

# MIAMI BEACH

**City Commission Meeting**

**City Hall, Commission Chamber, 3<sup>rd</sup> Floor, 1700 Convention Center Drive  
June 8, 2016**

Mayor Philip Levine  
Commissioner John Elizabeth Alemán  
Commissioner Ricky Arriola  
Commissioner Michael Grieco  
Commissioner Joy Malakoff  
Commissioner Kristen Rosen Gonzalez  
Commissioner Micky Steinberg

City Manager Jimmy L. Morales  
City Attorney Raul J. Aguila  
City Clerk Rafael E. Granado

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**ATTENTION ALL LOBBYISTS**

***Chapter 2, Article VII, Division 3 of the City Code of Miami Beach, entitled "Lobbyists," requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the Office of the City Clerk. Questions regarding the provisions of the Code should be directed to the Office of the City Attorney.***

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*In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to an alternate meeting date. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.*

Meeting called to order at 8:34:04 a.m.

**9:01:28 a.m.**

Inspirational Message given by Reverend Harold Thompson from the Miami Beach Community Church.

Pledge of Allegiance led by Fire Chief Virgilio Fernandez.

**9:03:55 a.m.**

Mayor Levine announced the loss of a very special member of the Office of the City Attorney, Dinorah Alonso, and he would like Raul J. Aguila, City Attorney, to say a few words.

Raul J. Aguila, City Attorney, announced that they received word last night that Legal Assistant Dinorah

Alonso lost her battle with cancer, and the Office of the City Attorney mourns this loss, as he is sure that everyone in City Hall does. Dinorah was a lovely person; intelligent and hard working. Dinorah was sick when she came to the Office of the City Attorney, but you never heard her complain or hold herself up with anything but dignity, happiness and spirit. He wanted to extend all of the City's condolences to her family and children, and to let them know that they are speaking about her and that they loved her very much. Her presence will be felt.

**ADDENDUM MATERIAL 1:**

C4V C4W R7Z R9T R9U R9V

**ADDENDUM MATERIAL 2:**

C4X

**SUPPLEMENTAL MATERIAL 1:**

R5J R5J1

**SUPPLEMENTAL MATERIAL 2:**

R5J1 Correction Memorandum  
R7D Memorandum & Resolution  
R7F Memorandum & Resolution  
R7U Revised Memorandum & Resolution

**SUPPLEMENTAL MATERIAL 3:**

R5F Memorandum, Ordinance & Backup Material  
R7R Revised Memorandum & Resolution

**ITEMS SEPARATED:**

C7T separated by Commissioner John Alemán  
C4H separated by Commissioner Michael Grieco  
C4G separated by Commissioner Joy Malakoff  
C4N, C4P and C4T separated by Commissioner Kristen Rosen Gonzalez  
C4N and C4Q separated by Vice-Mayor Micky Steinberg

**ITEMS WITHDRAWN:**

C7L R9C R9J

**9:05:10 a.m.****City Clerk's Note:**

Pursuant to Ordinance 2015-3954, Sec. 2-12(3), addendum agenda items C4V, C4W, C4X, R7Z, R9T, R9U and R9V have been approved by Mayor Levine to be placed on the Commission Agenda. No additional vote is required.

**Sec. 2-12(3) Reads:**

Addendum agenda items – Any item not included in the agenda submitted to the Mayor and City Commission on the initial print day must be submitted by the City Clerk to the Mayor for a determination whether the item is to be placed on the Agenda as an addendum item. If the Mayor declines to place the item on the agenda as an addendum item, then the item shall be submitted to the City Commission for a vote and the item shall only be considered at the City Commission Meeting upon a finding by the City Commission, by a five-seventh (5/7<sup>th</sup>) affirmative vote.

**9:06:00 a.m.**

Rafael E. Granado, City Clerk, announced and read into the record, the following corrections, notations and changes to the Agenda:

**NOTATIONS:**

Add Commissioner Joy Malakoff as co-sponsor to Item C4T.

Add Commissioner Ricky Arriola as sponsor to Item C4N.

**CORRECTIONS:**

C7K - Commissioner Malakoff has requested that item C7K include the lot at the Scott Rakow Center in the list of identified locations for parking garages.

R7M - Revise title: A Resolution **Accepting The Recommendation Of The Finance And Citywide Projects Committee, And** Authorizing The City Manager And City Attorney To Negotiate And Draft A Reimbursement And Indemnity Agreement With Fort Partners, LLC And Miami Beach Marina Associates, LTD. (Collectively, The "Developer"), To Provide For The Developer's Reimbursement Of The City's Due Diligence Expenses Relating To The Proposed 300 Alton Road Project (The "Project"), Including But Not Limited To Reimbursement Of Costs And Expenses For The Necessary Appraisals, Traffic Study, Outside Counsel, Consultants And Other Third-Party Costs And Expenses Relating To The Project; Authorizing The City Manager To Engage The Necessary Appraisers For The Project; And Further Authorizing The City Manager And City Clerk To Execute Said Reimbursement And Indemnity Agreement Upon Conclusion Of Successful Negotiations With The Developer.

Recess for lunch will occur at approximately 12:00 p.m.

**CONSENT AGENDA**

**9:06:44 a.m.**

Motion made by Commissioner Malakoff; seconded by Commissioner Grieco to approve the Consent Agenda, except for separated items. Voice-vote: 7-0.

**ITEMS SEPARATED:**

C7T separated by Commissioner John Alemán

C4H separated by Commissioner Michael Grieco

C4G separated by Commissioner Joy Malakoff

C4N, C4P and C4T separated by Commissioner Kristen Rosen Gonzalez

C4N and C4Q separated by Vice-Mayor Micky Steinberg

**C2 - Competitive Bid Reports**

C2A Request For Approval To Issue A Request For Qualifications (RFQ) No. 2016-147-KB For Construction Manager At Risk (CMR) For Restoration Of Convention Center - Carl Fisher Clubhouse.

(Procurement/Capital Improvement Projects)

**ACTION:** Request approved. **Alex Denis and David Martinez to handle.**

C2B Request For Approval To Award A Contract Pursuant To Invitation To Bid (ITB) No. 2016-032-AK For The Purchase Of Bicycles And Related Parts, Accessories And Repair Services.

(Procurement/Parks & Recreation/Police)

**ACTION:** Request approved. **Alex Denis, John Rebar and Police Chief Daniel Oates to handle.**

- C2C Request For Approval To Award Contracts Pursuant To Invitation To Bid (ITB) No. 2016-048-MT For Electric Motor Rewind, Pump Repair, Rebuild And Maintenance.  
(Procurement/Public Works)

**ACTION:** Request approved. **Alex Denis and Eric Carpenter to handle.**

- C2D Request For Approval To Award Contracts Pursuant To Invitation To Bid (ITB) No. 2016-050-MT For Fire Alarm Monitoring Services, Annual Inspections, Testing, Certification, And Repairs Citywide.  
(Procurement/Public Works)

**ACTION:** Request approved. **Alex Denis and Eric Carpenter to handle.**

- C2E Request Approval To Exercise Term Renewal Options On Contracts For Routine Operational Requirements.  
(Procurement)

**ACTION:** Request approved. **Alex Denis to handle.**

#### **C4 - Commission Committee Assignments**

- C4A Referral To Neighborhood/Community Affairs Committee Six Proposed Art In Public Places (AiPP) Projects For Placement At The Miami Beach Convention Center Renovation And Expansion Project (MBCC Project).  
(Tourism, Culture & Economic Development)

**ACTION:** Item referred. **Morgan Goldberg to place on the Committee Agenda. Max Sklar to handle.**

- C4B Referral To Finance And Citywide Projects Committee - Discussion On Increasing The Living Wage Rate For Fiscal Year 2016-2017 In Accordance With City Code's General Ordinances, Chapter 2, Article VI, Division 6, Section 2-408.  
(Procurement)

**ACTION:** Item referred. **Allison Williams to place on the Committee Agenda. Alex Denis to handle.**

- C4C Referral To Finance And Citywide Projects Committee - Discussion Regarding Building A Satellite City Center At The North Beach Police Station.  
(Sponsored by Commissioner Kristen Rosen Gonzalez)

**ACTION:** Item referred. **Allison Williams to place on the Committee Agenda. David Martinez and Police Chief Daniel Oates to handle.**

- C4D Referral To The Neighborhood/Community Affairs Committee To Discuss The Condition Of Miami Beach Sidewalks.

(Sponsored by Commissioner Kristen Rosen Gonzalez)

**ACTION:** Item referred. **Morgan Goldberg to place on the Committee Agenda. Eric Carpenter to handle.**

- C4E Referral To The Finance And Citywide Projects Committee - City Attorney's Annual Review/ Contract Renewal.

(Sponsored by Mayor Philip Levine)

**ACTION:** Item referred. **Allison Williams to place on the Committee Agenda. Sylvia Crespo-Tabak to handle.**

- C4F Referral To Finance And Citywide Projects Committee Regarding The Exchange Of Property With The Owner Of 5860 North Bay Road In Order To Resolve The Existing Boundary Lines, And The Location Of A Future City Pump Station And Sewer Line.

(Sponsored by Commissioner Joy Malakoff)

**ACTION:** Item referred. **Allison Williams to place on the Committee Agenda. Eric Carpenter to handle.**

**9:31:33 a.m.**

- C4G Referral To The Neighborhood/Community Affairs Committee To Consider Charging Non-Miami Beach Residents For Trolley Use.

(Sponsored by Commissioner Kristen Rosen Gonzalez)

**ACTION:** Item referred to the July 15, 2016 Neighborhood/Community Affairs Committee meeting. Item separated by Commissioner Malakoff. Motion made by Commissioner Rosen Gonzalez; seconded by Vice-Mayor Steinberg; Voice vote: 7-0. **Morgan Goldberg to place on the Committee Agenda for July 15, 2016. Jose Gonzalez to handle.**

Commissioner Malakoff explained that it would cost more to collect the fees, than what the City would recoup in costs, and she thinks this is counterproductive. There has been discussion in prior meetings regarding employees in the hospitality and restaurant industries to be able to ride free trolleys to ensure they keep cars off the road. She would not advise charging for riding the trolleys, and reiterated that she thinks it is a counterproductive idea.

Commissioner Rosen Gonzalez stated that the City needs money and they should pass the cost on. Residents can ride the trolleys free, but tourists should pay for their ridership.

Mayor Levine stated that Commissioner Rosen Gonzalez's idea, in principle, is a good idea; however, the issue is that the trolley system is not setup for the City to collect money from riders, and it would cost the City more money trying to differentiate between resident and non-resident and to collect money from people; he added that when the light rail system is operational fees will be collected.

Commissioner Arriola stated that the circulator is intended to reduce traffic, and collecting money will slow down the circulator and thus backup traffic; the trolleys are meant to get on and off quickly. Commissioner Rosen Gonzalez's idea is good, but it is not practical.

Discussion held regarding cost of trolley.

Jose Gonzalez, Transportation Director, stated that the Alton-West trolley runs at a cost of approximately \$600,000 to \$700,000 per year; the North Beach is slightly higher in the realm of \$1 million plus per year to maintain and operate the service.

Discussion continued.

Vice-Mayor Steinberg recommended discussing ridership data, when available, at Committee.

Mayor Levine recommended referring the item to Neighborhood/Community Affairs Committee.

Kathie G. Brooks, Assistant City Manager, stated that Miami-Dade County has regulations regarding charging a fare, and it requires staff to have the same type of fare equipment as the County, and she does not know what impact it may have. She requested time to discuss at the July 15, 2016 Neighborhood/Community Affairs Committee.

Discussion held regarding other municipalities and free ridership.

**9:30:16 a.m.**

C4H Referral To The Planning Board - Proposed Ordinance Amendment Pertaining To Alcohol Regulations For Properties South Of Fifth Street.

(Sponsored by Commissioner Michael Grieco)

(Legislative Tracking: Planning)

**ACTION:** Item referred to the Planning Board with the inclusion of the specific legal, non-conforming language in the Ordinance. Item separated by Commissioner Grieco. Motion made by Commissioner Grieco; seconded by Commissioner Malakoff; Voice vote: 7-0. **Thomas Mooney to place on the Board agenda and to handle.**

Commissioner Grieco explained that the Land Use and Development Committee directed staff to include specific language regarding nonconforming uses, and as the item travels to Planning, he wants to ensure that they discuss the adjusted language that says that the City is not creating legal non-conforming uses of existing businesses.

Thomas Mooney, Planning Department Director, explained that he discussed this with Eve Boutsis, Chief Deputy City Attorney, and this adjusted language will be included for the Planning Board.

C4I Referral To The Neighborhood/Community Affairs Committee A Discussion On The Possibility Of Making Improvements/Enhancements To The Police North Beach Sub Station Also Known As The NESS.

(Sponsored by Vice-Mayor Micky Steinberg)

**ACTION:** Item referred. **Morgan Goldberg to place on the Committee Agenda. Police Chief Daniel Oates to handle.**

- C4J Referral To The Neighborhood/Community Affairs Committee - Discussion Regarding Healthier Snacks In Our Vending Machines.

(Sponsored by Vice-Mayor Micky Steinberg)

**ACTION:** Item referred. **Morgan Goldberg to place on the Committee Agenda. Alex Denis, and Max Sklar to handle. Frank Estevez to provide assistance from Human Resources if need.**

- C4K Referral To Neighborhood/Community Affairs Committee - Discuss The Installation Of Sunscreen Dispensers In All Parks And Pools Where Children Programs Are Managed By The City.

(Sponsored by Commissioner Kristen Rosen Gonzalez)

**ACTION:** Item referred. **Morgan Goldberg to place on the Committee Agenda. Tonya Daniels to handle.**

- C4L Referral To Neighborhood/Community Affairs Committee - Presentation And Discussion On The City Of Miami Beach Intelligent Transportation System And Smart Parking System Project.

(Transportation)

**ACTION:** Item referred. **Morgan Goldberg to place on the Committee Agenda. Jose Gonzalez to handle.**

- C4M Referral To The Finance And Citywide Projects Committee Meeting Of June 17, 2016 - Discussion Regarding The Bass Museum Budget Enhancement.

(Sponsored by Commissioner Joy Malakoff)

**ACTION:** Item referred. **Allison Williams to place on the Committee Agenda. Max Sklar to handle.**

**9:13:41 a.m.**

- C4N Referral To The Land Use And Development Committee And Planning Board - Ordinance Amendments For Transit Intermodal Facilities: A). CDMP Amendment Implementing The Transit Intermodal Facilities Component Of The Transportation Master Plan; And B). Amendments To The Land Development Regulations Of The City Code Regarding Height And Accessory Use Requirements For Main Use Parking Structures And Transit Intermodal Facilities.

(Sponsored by Commissioner Ricky Arriola)

(Transportation)

**ACTION:** Item referred to Land Use and Development Committee only. Item was separated by Vice-Mayor Steinberg and Commissioner Rosen Gonzalez. Motion made by Commissioner Rosen Gonzalez; seconded by Commissioner Malakoff; Voice-vote: 7-0. **Thomas Mooney to place on the Committee agenda. Jose Gonzalez to handle.**

**REFERRAL:**

Land Use and Development Committee

Commissioner Rosen Gonzalez stated that the item would allow a fifty-foot height increases should an intermodal facility be located in the following Districts: Commercial Performance, Commercial Low Intensity, North Beach Town Center Mixed Use, and Commercial Medium



Density. It would allow up to five stories in additional height (50 feet) in many different zones throughout the City. Commissioner Rosen Gonzalez would like to see this item go to the Land Use and Development Committee only, and not a joint referral to the Planning Board and Land Use and Development Committee; she asked that the item follow the regular process. She believes the item should go to Land Use and Development Committee first before it goes to the Planning Board.

Vice-Mayor Steinberg agreed that the item should go to the Land Use and Development Committee first before discussing at the Planning Board. It is something that the Commission needs to start the conversation on. Before it is sent to the Planning Board, Commissioner Steinberg would like it vetted at the Land Use and Development Committee.

There was consensus to send the item to Land Use and Development Committee only.

- C4O Referral To The Planning Board - An Ordinance Amending The City Code, By Amending Chapter 122, "Concurrency Management," By Amending Section 122-5, "Exemptions From Concurrency," To Exempt Uses At The Following City-Owned Facilities From The City's Concurrency Requirements: The North Shore Bandshell, The Ronald W. Shane Watersports Center, And The Miami Beach Botanical Garden.

(Sponsored by Commissioner Michael Grieco)  
(Office of the City Attorney)

**ACTION:** Item referred. **Thomas Mooney to place on the Board Agenda. Office of the City Attorney to handle.**

**9:15:16 a.m.**

- C4P Referral To The Planning Board Regarding An Ordinance Change For The North Beach Town Center Districts.

(Sponsored By Commissioner John Elizabeth Alemán)

**ACTION:** Dual referral made to the June 15, 2016 Land Use and Development Committee and to Planning Board. Motion made by Commissioner Alemán to refer to Land Use first (June 15, 2016 meeting) and then to the Planning Board; seconded by Commissioner Malakoff. Voice-vote: 6-0; Opposed: Commissioner Rosen Gonzalez. **Thomas Mooney to place on Committee and Board agendas. Jeff Oris to handle.**

Commissioner Rosen Gonzalez requested the item to go back to the Land Use and Development Committee, as it is a height increase. It needs to go through the process.

Discussion held regarding the process.

City Attorney Raul J. Aguila explained that it is a matter of policy, but not a requirement for the item to go back to the Land Use and Development Committee.

Commissioner Alemán explained that because of the summer recess, she would like to refer the item to the Planning Board now. The first draft of the North Beach Master Plan calls for the creation of a Town Center. The recommendation for the standard height in the Town Center is 125 feet, and this Ordinance calls for an increase in height. She wants to know if the language in the Ordinance is consistent with what is in the Master Plan. She moved to refer to the Planning Board.



Commissioner Arriola is in support of referring the item to the Planning Board.

Commissioner Malakoff has no objection for the item to go to the Planning Board in this case.

Commissioner Rosen Gonzalez stated that this City Commission has received hundreds of emails concerning increase in height, and she would like to follow what has been done in the past. Commissioner Rosen Gonzalez is shocked and would like to see this go to the Land Use and Development Committee; it is the transparent thing to do.

Vice-Mayor Steinberg stated that the next Land Use and Development Committee is June 15, 2016, and they can do a dual referral.

Discussion continued.

Commissioner Malakoff explained that last night there were over 200 people who attended the North Beach Master Plan Workshop, which was well received. She suggested to her colleagues to attend these meetings and learn more what is being proposed.

**9:37:39 a.m.**

C4Q Referral To The Land Use And Development Committee And The Planning Board An Amendment To Sec 142-1111 Of The City Code, To Address The Eligibility Requirements For The Short-Term Rental Of Apartment Units Within The Collins Waterfront Local Historic District.  
(Sponsored By Commissioner John Elizabeth Alemán)

**ACTION:** Item referred. Item separated by Vice-Mayor Steinberg. Motion made by Commissioner Alemán; seconded by Commissioner Grieco; Voice vote: 6-0; Abstained: Vice-Mayor Steinberg. **Thomas Mooney to place on the Committee and Board agendas and to handle.**

Vice-Mayor Steinberg pulled the item as she is abstaining on this vote. She received a letter whereby the City Attorney opined that there was no conflict of interest for her; however, in order to avoid the perception of conflict, she will voluntarily recuse herself from the item.

Handouts and Reference Materials:

1. Form 8B completed by Vice-Mayor Steinberg # 131

C4R Referral To The Finance And Citywide Projects Committee - Discussion Regarding Payment To Bass Museum Of \$150,000 Towards The Programming In The Newly Added Renovated Exhibition Space. This Is Reimbursement Of Permitting And Parking Fees For The New Construction.

(Sponsored by Commissioner Joy Malakoff)

**ACTION:** Item referred. **Allison Williams to place on the Committee Agenda. Max Sklar to handle.**

C4S Referral To The Sustainability And Resiliency Committee A Discussion On Our Anti-Idling Policy.  
(Sponsored by Vice-Mayor Micky Steinberg)

**ACTION:** Item referred. **Elizabeth Wheaton to place on the Committee Agenda. Jorge Cano to handle.**

**9:25:28 a.m.**

C4T Referral To The Planning Board - Amendment To Chapter 114 "General Provisions," By Amending The Definition Of Floor Area.

(Sponsored by Commissioner John Elizabeth Alemán &  
Co-Sponsored by Commissioner Joy Malakoff)

**ACTION:** Item referred. Item separated by Commissioners Rosen Gonzalez. Motion made by Commissioner Alemán; seconded by Commissioner Arriola; Voice-vote: 7-0. **Thomas Mooney to place on the Board Agenda and to handle.**

Commissioner Rosen Gonzalez explained that the item increases the Floor Area Ratio (FAR) by 50% of basements across the City, but they do not know how many basements there are or how many additional thousands of square feet across the City will be built. She feels this amendment could be a violation of the City Charter, adding FAR without taking it to a voter referendum. She wanted to understand the rationale behind this and why they are adding this FAR, this extra square footage, contrary to the Charter.

Eve Boutsis, Chief Deputy City Attorney, explained that City Charter Section 1.03(c) says that the FAR of any property should not be increased by zoning, transfer or any other means from its current zoning as of November 7, 2001. The definition of Floor Area Ratio in 2001 includes a subsection that talks about floor area located below grade. If the ceiling is above grade, half of the floor area that is below grade shall be included in the Floor Area Ratio calculation. The exception that is being discussed is to bring it back to the 2001 level. Two years ago, this City Commission changed the definition of Floor Area Ratio in this provision. If there are more than three (3) inches above grade, the entire floor was calculated towards the Floor Area Ratio calculations versus half. This provision would bring it back to the level it was in 2001, which is why it is not a violation of the Charter provision. To clarify further, the modification would include only local historic districts, national historic districts or local historic sites.

Discussion held.

Thomas Mooney, Planning Department Director, explained that the Ordinance was amended in 2014 to take that giveaway away. Under the previous Code, if you have a floor that was a little below grade, but the roof was above grade, that only counted as one half. What developers wanted to do is to bring the floor four (4) inches below grade and build it up with tile, and only counting one half of the floor. The initial proposal was to require that in order for it to count only for one-half, it would have to be at least four (4) feet below grade. However, in order to discourage below grade building, the City Commission amended the Ordinance to say that anything below-grade is counted as full FAR. One of the unintended consequences, unfortunately, was the penalty to existing contributing buildings that already had a basement, a portion of which was below grade. There is only a limited number of these, and that is why the Ordinance is drafted very narrowly and is only limited to contributing buildings with an existing basement, so it will not be applicable to the structures.

Discussion held.

Mayor Levine clarified that the Ordinance amendment is a cleanup item.

C4U Referral To The Sustainability And Resiliency Committee A Discussion On Storm Water Best Management Practices.

(Sponsored by Vice-Mayor Micky Steinberg)

**ACTION:** Item referred. **Elizabeth Wheaton to place on the Committee Agenda. Eric Carpenter and Elizabeth Wheaton to handle.**

#### **ADDENDUM MATERIAL 1**

C4V Referral To The Sustainability & Resiliency Committee - Discussion Regarding Exploring The Use Of Triodetic's Tube And Hub Technology To Raise A Municipal Building As A Prototype For Residents Who May Have To Raise Their Property In The Future.

(Sponsored by Commissioner Kristen Rosen Gonzalez)

**ACTION:** Item referred. **Elizabeth Wheaton to place on the Committee Agenda. Eric Carpenter to handle.**

#### **ADDENDUM MATERIAL 1**

C4W Referral To The Finance And Citywide Committee - Discussion Regarding The Data And Analysis Required For The Equivalent Residential Unit (ERU) Methodology Changes.

(Sponsored by Commissioner Joy Malakoff)

**ACTION:** Item referred. **Allison Williams to place on the Committee Agenda. Eric Carpenter to handle.**

#### **ADDENDUM MATERIAL 2**

C4X Referral To Land Use And Development Committee - Explore Limiting Package Store Alcohol Sales To No Earlier Than 10:00 a.m., As Recommended By The Miami Beach Homeless Committee.

(Sponsored by Commissioner Joy Malakoff)

**ACTION:** Item referred. **Thomas Mooney to place on the Committee Agenda and to handle.**

**C6 - Commission Committee Reports**

C6A Report Of The May 18, 2016 Land Use And Development Committee Meeting: **1.** Discussion Regarding The Creation Of A Panel Of Architects To Review All New Single Family Home Construction. **2.** Proposed Comprehensive Plan Amendment Related To Sea Level Rise And Compliance With 2015 Florida Senate Bill 1094, Entitled "Peril Of Flood." **3.** Discussion Regarding Operational Regulations For Alcoholic Beverage Establishments South Of Fifth Street. **4.** Discussion On The Transit Hub On The 500 Block Of Alton Road. **5.** An Ordinance Amending Chapter 142 Of The City Code As It Pertains To Alcoholic Beverage Establishments On The West Side Of Alton Road And The South Side Of 17<sup>th</sup> Street. **6.** Single Family Demolition Procedures. **7.** Proposed Miami Beach Marina Redevelopment And Associated Legislative Changes. **8.** Discussion Regarding Future Rooftop And Deck Accessory Bar Uses In The Sunset Harbour Neighborhood. **9.** An Ordinance Amendment Pertaining To Alcoholic Beverage Establishments In The CD-3 District On 41st Street, In Order To Address Compatibility Issue With Surrounding Residential Districts. **10.** Discussion Regarding A Proposed Ordinance Change For North Beach Town Center Districts. **11.** Discussion Regarding Revising The Cultural Arts Neighborhood District Overlay (CANDO).

**ACTION:**

**1.** Creation Panel Of Architects To Review New Single Family Home Construction.

**MOTION: JA/JM (2-0)**

Recommend that the City Commission refer an Ordinance Amendment to the Planning Board with an effective date after a referendum in November.

**MOTION: JA/MG (3-0)**

Recommend that Option 2 referendum language be forwarded to the full Commission with a favorable recommendation.

**2.** Proposed Comprehensive Plan Re: Sea Level Rise & Compliance With 2015 Florida Senate Bill 1094, Entitled "Peril Of Flood."

**MOTION: MG/JA (3-0)**

Recommend approval of the proposed Ordinance.

**3.** Operational Regulations For Alcoholic Beverage Establishments South Of Fifth Street.

**MOTION: MG/JA (3-0)**

Recommend that the City Commission refer the Ordinance Amendment to the Planning Board in accordance with the following:

1. Removal of bolded sentence in exceptions to allow existing 5:00 am establishments to remain;
2. Develop language to ensure that existing 5:00 am establishments do not become non-conforming in the future due to 6 month rule;
3. Staff to work with affected stakeholders and the Marriott Hotel to address the issue of above ground seating hours.

**4.** Discussion On The Transit Hub On The 500 Block Of Alton Road.

**MOTION: Continue to July 20, 2016 by Acclamation**

**5.** An Ordinance Amending Chapter 142 Of The City Code As It Pertains To Alcoholic Beverage Establishments On The West Side Of Alton Road And The South Side Of 17<sup>th</sup> Street.

**MOTION: Continue to June 15, 2016 by Acclamation**

**6. Single Family Demolition Procedures.**

**MOTION:** Continue to June 15, 2016 by Acclamation

**7. Proposed Miami Beach Marina Redevelopment And Associated Legislative Changes.**

**MOTION:** **JA/MG (3-0)**

Continue the item to June 15, 2016 so that additional public outreach can take place and for the Planning and Transportation Departments to prepare an analysis of the proposed code amendments.

**8. Discussion Regarding Future Rooftop And Deck Accessory Bar Uses In The Sunset Harbour Neighborhood.**

**MOTION:** Staff to prepare a draft Ordinance consistent with bullet points provided by the Sunset Harbour Neighborhood and continue the item to June 15, 2016 by Acclamation.

**9. An Ordinance Amendment Pertaining To Alcoholic Beverage Establishments In The CD-3 District On 41st Street, In Order To Address Compatibility Issue With Surrounding Residential Districts.**

**MOTION:** Staff to prepare draft Ordinance based upon language in recent Alton Road amendment and continue the item to June 15, 2016 by Acclamation.

**10. Discussion Regarding A Proposed Ordinance Change For North Beach Town Center Districts.**

**MOTION:** Staff to review the proposed Ordinance and continue the item to June 15, 2016 by Acclamation.

**11. Discussion Regarding Revising The Cultural Arts Neighborhood District Overlay (CANDO).**

**MOTION:** Continue to June 15, 2016 by Acclamation.

C6B Report Of The May 13, 2016 Neighborhood/Community Affairs Committee Meeting: **1.** Discussion Regarding A Commercial Use Permit Fee For City-Owned Property And City Parks Facilities. **2.** Discussion Regarding Naming The Accessible Beach And Playground At Allison Park, 65<sup>th</sup> Street And Collins Avenue, "Sabrina's Beach And Playground At Allison Park." **3.** Update On Muss Park Pavilion. **4.** Discussion Regarding Proposed Site Options For New Fire Station No. 1. **5.** Discussing Regarding A Design Competition For Implementing An Iconic Rainbow Crosswalk At The Intersection Of Ocean Drive And 12<sup>th</sup> Street. **6.** Traffic Management Alternatives Discussed At The February 24, 2016 Commission Workshop On Traffic Management. **7.** Discuss Having ADA Accessible Playground Components In All City Parks. **8.** Discussion Regarding I-95 Express Lane Access To The Julia Tuttle Causeway. **9.** Discussion On Encroachments In The Public Right-Of-Way. **10.** Monthly Crime Update. **11.** Discussion On Battle At The Beach. **12.** Discussion Regarding Incorporating Low Floor Trolleys To Specifically Improve Accessibility For Seniors And The Disabled.

**ACTION:**

**1. Commercial Use Permit Fee For City-Owned Property And City Parks Facilities. MOTION:** Commissioner Alemán motioned to move this to the full commission and work on it in the meantime with notes made from the commissioners. Vice-Mayor Steinberg seconded the motion. All in favor.

**2. Naming Accessible Beach "Sabrina's Beach & Playground At Allison Park."**

**MOTION:** Vice-Mayor Steinberg motioned to move this to the full commission to name the playground area after Sabrina Cohen. Commissioner Alemán seconded. All in favor.

**3. Update On Muss Park Pavilion.**

**DIRECTION:** Defer tentatively to the July Neighborhood/Community Affairs Committee meeting.

**4. Discussion Regarding Proposed Site Options For New Fire Station No. 1.**

**DIRECTION:** Come back to June Neighborhood/Community Affairs Committee Meeting.

**5. Design Competition/Implementing Iconic Rainbow Crosswalk Ocean Drive & 12<sup>th</sup> St.**

**NO ACTION TAKEN**

**6. Traffic Management Alternatives Discussed At Commission Workshop.**

Revisit On Prairie Avenue To Allow Right Turns To Travel Eastbound

**DIRECTION:** Come back with this particular item to the November or December Neighborhood/Community Affairs Committee Meeting.

Increased Police Staffing For Traffic Enforcement In The FY 2016/17 Budget

**NO ACTION TAKEN**

Further Restrictions On Construction Work On Rights-of-way

**VOTE OF ACCLAMATION TO TAKE THIS ITEM TO COMMISSION AND START WITH THE ARTERIAL ROADWAYS**

Further Restrictions On Hours For Special Events Permits Blocking Rights-of-way

**VOTE OF ACCLAMATION TO ADOPT THIS AS A FORMAL POLICY NOT TO LET NEW EVENTS COME INTO THE CITY UNLESS THE POLICY COMES BACK TO COMMISSION**

Special Events Enhanced Transportation Plans (Shuttle And Water Taxi Services/Parking Limitations)

**VOTE OF ACCLAMATION TO PROVIDE INCENTIVES FOR PEOPLE TO COME TO THE EVENTS AND PARK IN CERTAIN PLACES**

More Aggressive Requirements For Employee Transportation Plans

**DIRECTION:** Work more with the planning department on this item.

Expanding Construction Parking Plan Requirements To Construction Transportation Plan Requirements

**VOTE OF ACCLAMATION TO DO AN ORDINANCE AMENDMENT TO INCLUDE A TRANSPORTATION ELEMENT**

Additional Dedicated Lanes For Transit Throughout The City of Miami Beach

**NO ACTION TAKEN**

Transportation of Public School Children Within 2-Mile Limit

**DIRECTION:** Come back with the item to the July Neighborhood/Community Affairs Committee Meeting.

Removal Of Bump Outs To Facilitate Additional Turn Lanes

**NO ACTION TAKEN**

Intercept Tolls/Congestion Pricing On Causeways And Arterials Entering The City

**NO ACTION TAKEN**

Slow Down In Development Permits

**NO ACTION TAKEN**

Second Level/Reversible Lanes On Causeways

**NO ACTION TAKEN**

Reversible Lanes On Indian Creek/Abbott Avenue

**DIRECTION:** Vice-Mayor Steinberg requested this item to come back next month.

Tunnel On Causeways

**NO ACTION TAKEN**

**7. Discuss Having ADA Accessible Playground Components In All City Parks.**

**NO ACTION TAKEN**



8. Discussion Regarding I-95 Express Lane Access To The Julia Tuttle Causeway.  
**DIRECTION:** Defer to the June Neighborhood/Community Affairs Committee Meeting.

9. Discussion On Encroachments In The Public Right-Of-Way.  
**VOTE OF ACCLAMATION TO MOVE THE ITEM FORWARD WITHOUT RECOMMENDATION TO THE FULL COMMISSION**

10. Monthly Crime Update.  
**NO ACTION TAKEN**

11. Discussion On Battle At The Beach.  
**DIRECTION:** Defer to the June Neighborhood/Community Affairs Committee Meeting.

12. Incorporating Low Floor Trolleys/Improve Accessibility For Seniors/Disabled.  
**VOTE OF ACCLAMATION TO BE MOVED TO THE FULL COMMISSION**

C6C Report Of The May 20, 2016 Finance And Citywide Projects Committee Meeting: 1. Discussion Regarding Whether Or Not To Pursue Food And Beverage Concessions For Soundscape Park, Collins Park, And The Miami Beach Botanical Garden. 2. Discussion Regarding Implementing An Open Data Policy. 3. Discussion Regarding The Creation Of The Ocean Court Green Alley Española Way (East) Green Alley. 4. Discussion Regarding Miami New Drama Becoming The Resident Theater And Venue Manager For The Colony Theater As A Pilot Program. 5. Discussion Regarding A Competition Swimming Pool. 6. Discussion Regarding A Resolution Approving The Purchase Of Flood Insurance, All-Risk Property Insurance, Including Windstorm, Boiler & Machinery Insurance For City Buildings And Contents (Including New Construction); And Fine Arts Insurance (Bass Museum), As Proposed By Arthur J. Gallagher Risk Management Services, Inc., The City's Broker Of Record. 7. Discussion Regarding A New Lease Agreement, Between The City Of Miami Beach And South Florida Seniors In Action, Inc., At Southshore Community Center, 833 6<sup>th</sup> Street, Miami Beach, Florida. 8. Discussion To Work With Miami-Dade County Public Schools (MDCPS) To Assess The Viability And Interest In A City Of Miami Beach School Bus Service Within The 2-Mile Boundary Of School Bus Service Provided By MDCPS. 9. Discussion Regarding The Vacation Of A Portion Of The Alley Between Alton Road And West Avenue, Just South Of 17<sup>th</sup> Street - As Part Of A Proposed Mixed Use Project That Will Include Residential, Retail And Structured Parking, Including Public Parking. 10. Discussion Regarding 300 Alton Road. 11. Discussion To Consider Adopting The Disability Access Committee's Request For The City To Support Power Access Inc. For Disability Awareness Events.

**ACTION:**

1. Food & Beverage Concessions/Soundscape Park/Collins Park, & MB Botanical Garden.  
The Committee recommended moving forward with the Soundscape Park concession. Staff will take this item to the capital budget workshop to find funding for the costs. (\$812,350)

2. Discussion Regarding Implementing An Open Data Policy.  
**ACTION:** The Committee recommended staff move forward with preparing an open data plan that can be proposed in the City Manager's budget. The plan is to include a governance process, facilitation of sign offs and community feedback. Staff is to bring this item back to Finance with the proposed plan.

3. Creation Of The Ocean Court Green Alley Española Way (East) Green Alley.  
**ACTION:** The Committee recommended moving forward with the revised term sheet and authorized negotiations to begin with the developer for the final development agreement that will



be presented to the City Commission.

**4. Miami New Drama - Resident Theater & Venue Manager For The Colony Theater.**

**ACTION:** The Committee recommended that staff negotiate terms with Miami New Theater staff and bring this item back to Finance.

**5. Discussion Regarding A Competition Swimming Pool.**

**ACTION:** The Committee recommended staff continue to study the numbers, research swimming pool options with master planners and bring this item back to Finance.

**6. Resolution Approving Purchase Of Flood Insurance.**

**ACTION:** The Committee recommended based on the response that the City has received from the State of Florida, and in recognition of the recommendation made by the Finance Committee in August 2014, to continue purchasing additional Named Windstorm limits (if available and within budget). The Administration is recommending the selection of Option II. This option includes an increase in the Named Windstorm insurance limit by \$5 million to obtain a total of \$25 million in Named Windstorm coverage. The AOP limit will be \$100 million, until the Miami Beach Convention Center returns to the Master Property insurance Program in 2018.

**7. New Lease Agreement w/ South Florida Seniors In Action, Inc.**

**ACTION:** The Committee recommended staff move forward in executing a new lease agreement with South Florida Seniors in Action, Inc. ("SFSIA") for 142 square feet of office space on the ground floor and Lighthouse Church of Miami Beach, Inc. ("LCOMB") for 82 square feet of interior storage space on the ground floor.

**8. Assess The Viability & Interest In CMB School Bus Service Within The 2-Mile Boundary.**

**ACTION:** Item deferred.

**9. Vacation/Portion Alley-Alton Road & West Avenue.**

**ACTION:** Item deferred.

**10. Discussion Regarding 300 Alton Road.**

**ACTION:** Item deferred.

**11. Adopting Disability Access Committee's Request For City To Support Power Access Inc. For Disability Awareness Events.**

**ACTION:** The Committee recommended granting \$13,000, which covers the \$10,000 in fees and a waiver of the special event permit fees in the amount of \$3,000 of the \$5,000 total amount with hopes that the other \$10,000 will come from the Culture Arts Council for a total \$23,000. The remaining \$2,000 is the security deposit that will not be waived. Staff will provide the funding source when the item is brought before the Commission.

C6D Report Of The May 18, 2016 Sustainability And Resiliency Committee: **1)** Mayor's Blue Ribbon Panel On Flooding And Sea Level Rise – Update. **2)** Sustainability Committee – Update. **3)** Resiliency Strategy – Update. **4)** Discussion On Prohibiting Contractors From Using Roundup And Other Chemicals Labeled As Carcinogens In Public Spaces. **5)** Discussion On The Elimination And/Or Phasing Out Of Gas-Powered Leaf Blowers **6)** Discussion The Seabin Project As An Option To Reduce Litter In The City's Waterways. **7)** Discussion To Draft A Resolution Asking Miami-Dade To Ban Flubendiamide Within Its Agricultural Industry. **8)** Discussion Regarding How Green Infrastructure Including Living Or Hybrid Shorelines Can Complement Grey Infrastructure In Our Climate Adaptation On Going Work. **9)** Discussion Regarding The Creation Of Voluntary Smoke Free Zones/Block On The Beach Sand. **10)** Discussion Regarding The Securing And Storage Of Commercial Dumpsters. **11)** Discussion To Consider Establishing A City Sustainable Procurement Policy. **12)** Discussion On Charging A 5¢ Fee On Plastic Bags Similar To That Approved By The New York City Council.

**ACTION:**

**1)** Mayor's Blue Ribbon Panel On Flooding And Sea Level Rise – Update.

**ACTION:** No further action taken.

**2)** Sustainability Committee – Update.

**ACTION:** No further action taken.

**3)** Resiliency Strategy – Update.

**ACTION:** Continued to June 15, 2016 Sustainability and Resiliency Committee.

**4)** Prohibiting Contractors From Using Roundup & Chemicals Labeled As Carcinogens In Public Spaces.

**ACTION:** Provide Committee members a copy of draft Integrated Pest Management (IPM) Policy for further discussion at the next Sustainability and Resiliency Committee.

**5)** Discussion On The Elimination And/Or Phasing Out Of Gas-Powered Leaf Blowers.

**ACTION:** Continued to June 15, 2016 Sustainability and Resiliency Committee.

**6)** Discussion The Seabin Project As An Option To Reduce Litter In The City's Waterways.

**ACTION:** Continued to June 15, 2016 Sustainability and Resiliency Committee

**7)** Resolution Asking Miami-Dade To Ban Flubendiamide Within Its Agricultural Industry.

**ACTION:** No further action taken.

**8)** Green Infrastructure Can Complement Grey Infrastructure In Our Climate Adaptation.

**ACTION:** Continued to June 15, 2016 Sustainability and Resiliency Committee

**9)** Discus Voluntary Smoke Free Zones/Block On The Beach Sand.

**MOTION:** Establish a Voluntary Smoke Free Zone pilot program in the areas identified in the Southern areas of Lummus Park. Motion made by Commissioner Arriola, Seconded by Commissioner Rosen- Gonzalez.

**10)** Securing And Storage Of Commercial Dumpsters.

**ACTION:** Continued to June 15, 2016 Sustainability and Resiliency Committee

**11)** Discussion To Consider Establishing A City Sustainable Procurement Policy.

**ACTION:** Continued to June 15, 2016 Sustainability and Resiliency Committee

**12) Charging A 5¢ Fee On Plastic Bags Similar To That Approved By The New York City Council.**  
**ACTION:** Continued to June 15, 2016 Sustainability and Resiliency Committee

### **C7 - Resolutions**

C7A A Resolution Approving And Authorizing The City Manager, Or His Designee, To Apply For, Accept, And Appropriate Funding (Including Matching Funds And Any Related City Expenses), And To Execute Any And All Documents Or Agreements In Connection With The Following Grants And Funding Requests: 1) An Interlocal Agreement And An Annual Affidavit With Miami-Dade County For The FY 2015/16 Municipal Parking Fines Reimbursement Program, In The Approximate Amount Of \$50,000 To Improve Accessibility And Equal Opportunity To Qualified Persons Who Have Disabilities; 2) The Children's Trust, Communities Outreach Activities Program In The Approximate Amount Of \$10,000 For The City's Family Service Day; And, 3) Us Department Of Transportation, Florida Shared-Use Nonmotorized (SUN) Trail Network, For Funding In An Estimated Amount Of \$13 Million Over Five State Fiscal Years (SFY) From SFY 2017/18 – SFY 2021/22.

(Budget & Performance Improvement)

**ACTION: Resolution 2016-29415 adopted. Cintya G. Ramos to appropriate the funds if accepted. Judy Hoanshelt to handle.**

C7B A Resolution Electing Commissioner Michael Grieco, Group II, As Vice-Mayor, For A Term Commencing On July 1, 2016 And Terminating On October 31, 2016.

(Office of the City Clerk)

**ACTION: Resolution 2016-29416 adopted. Office of the City Clerk to handle.**

C7C A Resolution, Authorizing The Mayor And City Clerk To Execute A Settlement Agreement And Mutual Release Between The City Of Miami Beach, Florida (City) And Trans Florida Development Corporation, In The Amount Of \$482,748 To Settle All Outstanding Claims Pertaining To The Right Of Way Infrastructure Improvement Program, Neighborhood No. 12/D/E/F, South Pointe Phases III, IV And V Project; Funding For The Final Payment To The Contractor Is Available From The Project Budget.

(Capital Improvement Projects)

**ACTION: Resolution 2016-29417 adopted. David Martinez to handle.**

- C7D A Resolution Authorizing The Mayor And City Clerk To Execute A Settlement Agreement And Mutual Release Between The City Of Miami Beach, Florida (City) And Trans Florida Development Corporation, In The Amount Of \$300,000 To Settle All Outstanding Claims Pertaining To The Right Of Way Improvement Program, Neighborhood No. 8B, Bayshore - Lower North Bay Road Project; Funding For The Final Payment To The Contractor Is Available From The Project Budget.

(Capital Improvement Projects)

**ACTION: Resolution 2016-29418 adopted. David Martinez to handle.**

- C7E A Resolution Approving And Authorizing The Acceptance Of \$7,500 Dollars In Sponsorships And Donations Made To The City For The City's Annual Fourth Of July Celebration Event.

(Communications)

**ACTION: Resolution 2016-29419 adopted. Tonya Daniels to handle.**

- C7F A Resolution Adopting The City's One-Year Action Plan For Federal Funds For Fiscal Year 2016/2017, Which Includes The Budgets For The Community Development Block Grant (CDBG) Program And The Home Investment Partnerships (HOME) Program; Approving A Substantial Amendment To The Fiscal Year 2015/2016 Action Plan; Approving An Amendment To The Five-Year Consolidated Plan, Recapturing \$14,000 In CDBG Funds From Fiscal Year 2015/2016, To Be Reallocated To A City Capital Project; Authorizing The City Manager To Take The Following Actions: (1) Execute All Applicable Documents Related To The Appropriation And Allocation Of These Program Funds; (2) Submit The One-Year Action Plan And Substantial Amendment To The U.S. Department Of Housing And Urban Development (HUD); (3) Make Minor Non-Substantial Changes To The One-Year Action Plan Or The Consolidated Five Year Plan, Or The Resulting Agreements (Which Do Not Affect The Purpose, Scope, Approved Budget And/Or Intent Of The Plans); And (4) Extend The Expiration Dates Of Said Agreements When Necessary; And Authorizing The Mayor And City Clerk To Execute Agreements For Sub-Recipients Of CDBG And Home Program Funds; And Further Authorizing The City Manager To Execute City Interdepartmental Agreements For Recipients Of CDBG And Home Program Funds.

(Housing & Community Services)

**ACTION: Resolution 2016-29420 adopted. Maria Ruiz to handle.**

- C7G A Resolution Approving And Authorizing The City Manager To Recapture And Reallocate \$81,080 Of Home Investment Partnership (HOME) Funds To The City's London House Apartments Project To Ensure Compliance With United States Housing And Urban Development Department (HUD) Rules And Regulations Regarding The Timely Expenditure Of Funds.

(Housing & Community Services)

**ACTION: Resolution 2016-29421 adopted. Maria Ruiz to handle.**

- C7H A Resolution Accepting The Written Recommendation Of The City Manager (As Set Forth In The City Commission Memorandum Accompanying This Resolution) And Waiving, By A 5/7<sup>th</sup> Vote, The Formal Competitive Bidding Requirement, Finding Such Waiver To Be In The City's Best Interest, And Approving And Authorizing The City's Parks And Recreation Department (The Department) To Purchase Airfares, Hotels, Meals, Local Transportation And Any Associated League And Tournament Fees To Be Utilized By The Department's Participants In Programs And Activities Including, But Not Limited To, Athletics, Sports, Teens, Seniors And Toddlers For Out Of Town Travel, Local Events And Banquets; Said Waiver Shall Be Authorized For A Period Of Three (3) Years, On A Year To Year Basis, Contingent Upon City Commission Approval Of The Department's Related Budget Allocation(s) During The Adoption Of The City's Annual Budget, The Department's Fund Raising Efforts And Receipt Of Sponsorships, Donations, Grants, And Other Funding Sources.

(Parks & Recreation)

**ACTION: Resolution 2016-29422 adopted. John Rebar to handle.**

- C7I A Resolution Approving And Authorizing The City Manager To Execute, Substantially In The Form Attached To This Resolution, Amendment No. 1 To The Agreement Between The City And T2 Systems Canada, Inc. (T2 Systems), Formerly Known As Digital Payment Technologies Corp. (DPT), For Parking Products And Associated Installation And Maintenance Services, Dated August 10, 2012; Said Amendment Extending The Warranty Coverage Under The Agreement For The Remaining Three (3) Year Period, Based Upon The Established Rates Under The Agreement; And Further Extending The Term Of The Agreement For An Additional Three (3) Year Period, Commencing On August 11, 2016 And Expiring On August 10, 2019, Coterminous With The Extended Warranty Term.

(Parking)

**ACTION: Resolution 2016-29423 adopted. Saul Frances to handle.**

- C7J A Resolution Authorizing The City Of Miami Beach, On Behalf Of The Miami Beach Police Department, To Accept A Donation Of Six (6) K9 Bulletproof Vests From Protect The Paws, An Organization Dedicated To The Protection Of K9s Throughout South Florida, With An Approximate Total Value Of \$4,400.

(Police)

**ACTION: Resolution 2016-29424 adopted. Police Chief Daniel Oates to handle.**

- C7K A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Firms, Pursuant To Request For Qualifications (RFQ) No. 2016-124-KB For Architectural And Engineering Design Criteria Professional Services For Mixed-Use Parking Garages; Authorizing The Administration To Enter Into Negotiations With Desman, Inc., As The Top Ranked Proposer; Further, Should The Administration Not Be Successful In Negotiating An Agreement With Desman Inc., Authorizing The Administration To Enter Into Negotiations With BEA Architects, Inc., As The Second Highest Ranked Proposer; Further, Authorizing The Mayor And City Clerk To Execute An Agreement, Upon Conclusion Of Successful Negotiations By The Administration.

(Procurement/Capital Improvement Projects)

**ACTION: Resolution 2016-29425 adopted. Alex Denis and David Martinez to handle.**

- C7L A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals Received Pursuant To Request For Proposals (RFP) No. 2016-034-AK, For Fire And Police False Alarm Billing System.  
(Procurement/Police/Fire)

**ACTION:** Item withdrawn.

- C7M A Resolution Accepting The Recommendation Of The City Manager To Reject All Bids Received Pursuant To Invitation To Bid (ITB) No. 2016-045-WG For The Lease Of Golf Course Turf Maintenance Equipment For The Miami Beach Golf Club And Normandy Shores Golf Club; And Approving And Authorizing The City Manager To Execute Amendment No. 1 To The Agreement Between The City And Showturf, LLC, Dated October 22, 2012, For The Lease Of Golf Course Turf Maintenance Equipment For The Normandy Shores Golf Club; Said Amendment Extending The Term Of The Agreement For A Period Not To Exceed One (1) Year, Commencing On September 23, 2016 And Expiring On September 22, 2017; And Further Providing The City With The Right To Terminate The Agreement, For Convenience, Upon Providing Showturf, LLC With Thirty (30) Days Prior Written Notice.  
(Procurement/Parks & Recreation)

**ACTION: Resolution 2016-29426 adopted. Alex Denis and John Rebar to handle.**

- C7N A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Agreement Between The City Of Miami Beach And The Town Of Bay Harbor Islands (Town) For The City To Continue To Provide Sewage Conveyance Services To The Town; A Copy Of Which Is Attached Hereto As Exhibit 1.  
(Public Works)

**ACTION: Resolution 2016-29427 adopted. Eric Carpenter to handle.**

- C7O A Resolution Accepting The Written Recommendation Of The City Manager (As Further Set Forth In The City Commission Memorandum Accompanying This Resolution) And Waiving, By 5/7<sup>th</sup> Vote, The Formal Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City, And Authorizing The City Administration To Negotiate A Five Year Agreement With Big Wireless LLC., In An Amount Not To Exceed \$475,000, For The Maintenance, Monitoring And End Of Life Technology Migration Of The Law Enforcement Wireless Information Network, Formally Known As The Citywide Wireless Network, For Use By The Miami Beach Police Department; And Further Authorizing The Mayor And City Clerk To Execute The Agreement, Upon Conclusion Of Successful Negotiations.  
(Police)

**ACTION: Resolution 2016-29428 adopted. Police Chief Daniel Oates to handle.**



- C7P A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee And Approving, In Concept, A Pilot Program For The Management Of The Colony Theater; And Authorizing The Administration To Negotiate A Management Agreement With Miami New Drama Theater Company, As The Resident Company And Venue Manager For The Colony Theater; And Further Referring The Negotiated Agreement To The Finance And Citywide Projects Committee For Consideration.

(Tourism, Culture & Economic Development)

**ACTION: Resolution 2016-29429 adopted. Max Sklar to handle.**

- C7Q A Resolution Accepting The Finance And Citywide Projects Committee Recommendation To Add The Soundscape Park Concession Stand To The Fiscal Year 2016/17 Capital Budget Prioritization Process In The Amount Of \$800,000.

(Tourism, Culture & Economic Development)

**ACTION: Resolution 2016-29430 adopted. Max Sklar to handle.**

- C7R A Resolution Accepting The Finance And Citywide Projects Committee Recommendations To Waive The Rental Fees At The Colony Theater For The 2016 South Beach Jazz Festival; To Waive Special Event Permit Fees In The Amount Of \$3,000 For The Festival; And Further, To Approve A Grant In The Amount Of \$13,000 To Power Access, Inc., A Florida Not-For-Profit Entity, In Support Of The Festival.

(Tourism, Culture & Economic Development)

**ACTION: Resolution 2016-29431 adopted. Max Sklar to handle.**

- C7S A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 6, To The Existing Professional Services Agreement Between The City Of Miami Beach And Schwebke-Shiskin & Associates, Inc. For Final Design Of Stormwater Pump Stations And Related Items, Additional Resident Project Representative And Construction Administration Services For Six Additional Months To Correspond With Approved Construction Schedule, For The Venetian Islands Bid Package 13C Right-Of-Way Neighborhood Improvement Project; In The Negotiated Not-To-Exceed Amount Of \$205,856 Plus An Amount Of \$1,500 For Reimbursables; For A Total Amount Of \$207,356; With Previously Appropriated Funding In The Capital Budget From The Following Funds; \$126,792 From Fund 432 - 2015 Stormwater Bonds; And \$80,564 From Fund 419 - W&S LOC 2009.

(Capital Improvement Projects)

**ACTION: Resolution 2016-29432 adopted. David Martinez to handle.**



**9:08:03 a.m.**

C7T A Resolution Urging The School Board Of Miami-Dade County To Implement A Sustainable Culinary Program At Miami Beach Senior High School And Further Urging The School Board Of Miami-Dade County To Fund A Full-Time Teacher For Such Culinary Program And To Develop A Long-Term Relationship To Sustain A Culinary Program At Miami Beach Senior High School.

(Sponsored by Commissioner John Elizabeth Alemán &

Co-Sponsored by Vice-Mayor Micky Steinberg & Commissioner Michael Grieco)

**ACTION:** Item separated by Commissioner Alemán.

**MOTION NO. 1:**

**Resolution 2016-29433 adopted.** Motion to approve the Resolution made by Commissioner Alemán; seconded by Commissioner Grieco. Voice vote: 7-0. **Dr. Leslie Rosenfeld to handle. Rafael E. Granado to transmit the Resolution.**

**MOTION NO. 2:**

Commissioner Malakoff moved to approve the appropriation of matching funds, up to \$50,000, from the Tourism and Hospitality Scholarship account, to match moneys raised by Mr. Gonzalez's non-profit; money needed to implement a culinary program at Miami Beach Senior High School and fund a full-time teacher for the program for the first year. **Cintya Ramos and Max Sklar to handle.**

Commissioner Alemán introduced Adrian Gonzalez, who spearheaded this idea. Commissioner Alemán explained this is a Resolution urging the School Board of Miami-Dade County to implement and fund a culinary program at Miami Beach Senior High School.

Adrian Gonzalez introduced the item. Mr. Gonzalez stated that when he went to his 20-year Class Reunion at Miami Beach Senior High School three years ago, he saw that the School had classroom kitchen facilities for culinary classes, including refrigeration and cooking appliances, yet the facilities were not being utilized for that purpose. The facilities are being used instead as Student Activity Director Offices and for a Marine Biology program. Mr. Gonzalez stated that with all the amazing chefs who work in our City, we could have an outstanding culinary program at Miami Beach High.

Commissioner Malakoff asked if this would be part of the magnet school program for hospitality and tourism.

Mr. Gonzalez responded that it would be an add-on to it. Mr. Gonzalez stated that it is his understanding that there is no funding for this; yet the interest exists, as in a matter of one month they have 175 students signed up for the class.

Commissioner Alemán added that Mr. Gonzalez has been working on this for three years, with the three prior principals. Mr. Gonzalez has the support of the Miami-Dade County Public Schools, as well as the endorsement of the Quality for Education Committee of the City. Commissioner Alemán explained that Mr. Gonzalez is fundraising, looking to raise \$100,000 to start the program, which would include the first year teacher salary at \$60,000, plus \$40,000 to retrofit and clean the kitchen and appliances that are already in place. In subsequent years, Miami-Dade County Public Schools would pay for the teacher. Commissioner Alemán asked for the support of her colleagues to adopt this Resolution.

Motion to adopt the Resolution by Commissioner Alemán, seconded by Commissioner Grieco. Approved 7-0.

Commissioner Alemán announced that there is a second component that she would like to obtain support from her colleagues. Commissioner Alemán has been working with Max Sklar, Director of Tourism and Economic Development, and we have in the City of Miami Beach a Tourism And Hospitality Scholarship program. For the last two years, the City has not had any applicants for the scholarship. The fund has a balance of \$192,000. Commissioner Alemán suggested to create a matching program where the City would match dollar for dollar, up to \$50,000, the funds raised by the non-profit created by Mr. Gonzalez to raise the \$100,000 that are needed to start the culinary program at Miami Beach Senior High. This not only would add to the quality of education in Miami Beach, but I would create a potential pool of applicants to the Tourism And Hospitality Scholarship program.

Max Sklar explained that Tourism and Hospitality Scholarship has been available for a number of years, and it has been funded through contributions from the Convention and Visitors Bureau, Global Spectrum, SMG, and Centerplate. The City has accrued a nice balance in the account. There was a period of time when the City was issuing grants (scholarships), for \$20,000 to \$25,000 a year, but recently there is not a large applicant pool, if any. This is because the City does limit the applicants to individuals who either went to a high school in Miami Beach or reside in Miami Beach, and wish to study tourism and hospitality management business. It is a limited pool, so what Commissioner Alemán is suggesting is to expand the pool of applicants by helping to create and build the program that Mr. Gonzalez is working on.

Commissioner Malakoff thinks it is a great idea. To give the scholarships, the best way is to speak to the Director of Hospitality and Tourism magnet school within Miami Beach High School. Mr. Sklar explained that they do reach out.

Commissioner Malakoff added that the program suggested by Mr. Gonzalez would spearhead a new generation to become interested in the tourism and hospitality management field.

Commissioner Malakoff moved to approve the appropriation matching funds, up to \$50,000, from the Tourism and Hospitality Scholarship account, for Mr. Gonzalez's non-profit. Seconded by Commissioner Alemán.

Mayor Levine stated that the program suggested by Mr. Gonzalez is great.

C7U A Resolution Requesting The School Board Of Miami-Dade County To Review The Security Allocation Needs At Miami Beach Senior High School.

(Sponsored by Commissioner John Elizabeth Alemán &  
Co-Sponsored by Vice-Mayor Micky Steinberg)

**ACTION: Resolution 2016-29434 adopted. Dr. Leslie Rosenfeld to handle.**

**End of Consent Agenda**

**REGULAR AGENDA****R5 - Ordinances****10:14:53 a.m.**

R5A 1700 Alton Road - Historic Site Designation

An Ordinance Amending The Land Development Regulations Of The Miami Beach City Code; By Amending Section 118-593(e), Entitled "Delineation On Zoning Map" By Designating One Or More Buildings At 1700 Alton Road As An Historic Site To Be Known As "1700 Alton Road Historic Site," As More Particularly Described In The Ordinance; Providing That The City's Zoning Map Shall Be Amended To Include 1700 Alton Road As An Historic Site; Adopting The Designation Report Attached To The Staff Report As Appendix "A"; Providing For Inclusion In The Land Development Regulations Of The City Code; For Repealer; Severability; And An Effective Date. **10:00 a.m. Second Reading Public Hearing**

(Sponsored by AC 1700 Alton Owner LLC, as the Private Applicant)

(Legislative Tracking: Planning)

(First Reading on May 11, 2015 - R5G)

**ACTION:** Title of the Ordinance read into the record. Public Hearing held. **Ordinance 2016-4015 adopted.** Motion made by Commissioner Alemán; seconded by Vice-Mayor Steinberg; Ballot-vote: 7-0. **Thomas Mooney to handle.**

Monica Entin, from Bercow, Radell & Fernandez, representing the applicant, stated that they are excited to designate this 1922 building as an historic site, the second tallest building of its time, and they understand that the loss of this building would be a great loss to the City. They have gone through the Historic Preservation Board and the Planning Board reviews, and received a Certificate of Appropriates to bring back the great architectural features of this building.

Daniel Ciraldo, MDPL representative, spoke in support.

Handouts or Reference Materials:

1. Ad 1140 published in The Miami Herald
2. Ad 1157 published in The Miami Herald
3. Email from Deborah Tackett dated April 28, 2016 RE: Second Reading for June 8 (Ad 1155) with attached list of mailers.
4. Letter from Planning Department dated April 28, 2016 RE: Property Owners List within 375 feet of 1700 Alton; with attached mailing labels.
5. Email to [bllerena@brzoninglaw.com](mailto:bllerena@brzoninglaw.com) dated May 5, 2016 RE: Ad 1140.

**10:17:58 a.m.****R5B Beach And Sand Quality**

An Ordinance Amending Chapter 82, "Public Property," Article V, "Beaches," Creating Division 3, "Beach And Sand Quality," At Sections 82-472 Through 82-478, Ensuring The Preservation And Enhancement Of The Quality Of The City's Beaches By Requiring Testing Of Sand Or Fill Placed East Of The Coastal Construction Control Line (CCCL), Consistent With The Requirements Of Section 161.053, Florida Statutes And Rule 62B-33, Florida Administrative Code; Providing For Final Approval From The City Prior To The Placement Of Any Sand Or Fill East Of The Coastal Construction Control Line And Including Provision That The City's Approval Shall Be Contingent On The Applicant Obtaining A Letter Of No Objection From Miami-Dade County Division Of Environmental Resources Management (DERM), And Providing For Cost Recovery From The Applicant; Providing For Codification; Repealer; Severability, And An Effective Date. **10:05 a.m.**

**Second Reading Public Hearing**

(Sponsored By Commissioner Michael Grieco)  
(Legislative Tracking: Environment & Sustainability)  
(First Reading May 11, 2016 - R5H)

**ACTION:** Title of the Ordinance read into the record. Public Hearing held. **Ordinance 2016-4016 adopted.** Motion made by Commissioner Grieco; seconded by Commissioners Alemán and Malakoff (simultaneous); Ballot-vote: 7-0. **Elizabeth Wheaton to handle.**

Elizabeth Wheaton, Environment & Sustainability Department Director, introduced the item and explained that this Ordinance would allow the City to ensure that the physical and chemical composition of sand or fill placed east of the Coastal Construction Control Line (CCCL) would be confirmed by Miami-Dade County to be in compliance with State and County regulations, and it would require the developer to pay for any sampling that is required before sand is placed on our beach, as well as any oversight needed by the City to ensure that the quality of sand placed on City's beaches, particularly in the critically eroded sections, is of the highest quality.

Eve Boutsis, Chief Deputy City Attorney, stated that there were minor language amendments made to the Ordinance between first and second reading, but the changes are not substantive, they changes are only for clarification.

**Handouts or Reference Materials:**

1. Ad 1157 published in The Miami Herald

**10:20:39 a.m.**

**R5C** An Ordinance Amending Chapter 2 Of The Code Of The City Of Miami Beach, Entitled "Administration," By Amending Article III, Entitled "Agencies, Boards, And Committees," By Amending Division 16, Entitled "Reserved," To Create A Miami Beach Youth Commission, And Amending Sections 2-186 - 2-189 Thereof, Entitled "Reserved," To Establish And Set Forth The Purpose, Powers, Duties, Composition, And Supporting Department For The Youth Commission And Providing For Repealer, Severability, Codification, And An Effective Date. **10:10 a.m.**

**Second Reading Public Hearing**

(Sponsored by Commissioner Kristen Rosen Gonzalez)  
(Legislative Tracking: Office of the City Attorney)  
(First Reading May 11, 2016 - R5J)

**ACTION:** Title of the Ordinance read into the record. Public Hearing held. **Ordinance 2016-4017 adopted.** Motion made by Commissioner Rosen Gonzalez; seconded by Vice-Mayor Steinberg; Ballot-vote: 7-0. **Marcia Monserrat to handle.**

Commissioner Rosen Gonzalez introduced the item and stated that she is excited about creating the Miami Beach Youth Commission since she wants young people to understand how their local City government works, and this is a great way to do this. She added that Ben (Benjamin Bernstein) has been her inspiration.

Discussion held.

Ben Bernstein stated that he emailed the City Commission Aides the names of students for possible appointments, and in answering Vice-Mayor Steinberg's question stated that he anticipates the Youth Commission can start meeting in late August or early September when the new school year commences.

Vice-Mayor Steinberg requested the Office of the City Clerk to process the paperwork for the members that will be appointed. **Rafael E. Granado to handle.**

Handouts or Reference Materials:

1. Ad 1157 published in The Miami Herald

**10:23:29 a.m.**

R5D An Ordinance Amending Chapter 70 Of The Code Of The City Of Miami Beach, Entitled "Miscellaneous Offenses," By Creating Article VII, To Be Entitled "Sexual Orientation Or Gender Identity Change Efforts," To Prohibit Licensed Professionals From Engaging In Counseling Efforts, Practices, Or Treatments With The Goal To Change A Minor's Sexual Orientation Or Gender Identity; Providing For Repealer, Severability, Codification, And An Effective Date.

**10:15 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner John Elizabeth Alemán &  
Co-Sponsored by all the Members of the City Commission)  
(Office of the City Attorney)  
(First Reading May 11, 2016 - R5L)

**ACTION:** Title of the Ordinance read into the record. Public Hearing held. **Ordinance 2016-4018 adopted.** Motion made by Commissioner Alemán; seconded by Commissioner Malakoff; Ballot-vote: 7-0. **Office of the City Attorney and Hernan Cardeno to handle.**

Chaunce O'Connor spoke in favor of the Ordinance.

Commissioner Alemán stated that the City of Miami Beach embraces diversity, supports human rights and the dignity of each individual; and by standing up against this therapy, which is harmful to children, they are sending the right message of how people deserve to be treated, specially our most vulnerable people, our young people. She added that Miami Beach would be the first to ban conversion therapy in the State of Florida.

Handouts or Reference Materials:

1. Ad 1157 published in The Miami Herald

**10:50:02 a.m.**

R5E An Ordinance Amending Chapter 82 Of The Code Of The City Of Miami Beach, Entitled "Public Property," By Amending Article V, Entitled "Beaches," By Amending Division 1, Entitled "Generally," By Creating A New Section 82-443, Entitled "High Impact Events On Beach Property," To Provide The City Manager With The Authority To Impose Certain Immediate Measures For The Protection Of Beach Property During High Impact Events In The City; Providing For Notification Of High Impact Event Measures, Enforcement, And Penalties; Providing For Repealer, Severability, Codification, And An Effective Date. **10:20 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Michael Grieco &  
Co-Sponsored by all the Members of the City Commission)  
(Legislative Tracking: Office of the City Attorney/Tourism, Culture & Economic Development)  
(First Reading May 11, 2016 - R5O)

**ACTION:** Title of the Ordinance read into the record. Public Hearing held. **Ordinance 2016-4019 adopted.** Motion made by Commissioner Grieco; seconded by Commissioner Alemán; Ballot-vote: 7-0. **Offices of the City Attorney and City Manager and Max Sklar to handle.**

Jimmy Morales, City Manager, introduced the item.

Aleksandr Boksner, Deputy City Attorney, explained that this would allow the City to ensure that there will be no adverse consequences because of unfortunate events such as recent high impact events on the beaches, by implementing immediate measures pursuant to the Beach Management Plan.

City Manager Morales added that now they could bring this item directly next month to the State Board to implement the City's Beach Management Plan.

Commissioner Rosen Gonzalez inquired about raising parking rates during high impact events. Deputy City Attorney Boksner responded that such action might not be legally sustainable and is extremely problematic.

Commissioner Alemán stated that the City is a vacation and tourist destination. This is an important part of the economy, so she hopes that with this plan they can have open minds about bringing great positive future events to the City.

Handouts or Reference Materials:

1. Ad 1157 published in The Miami Herald



**10:30:00 a.m.**

**SUPPLEMENTAL MATERIAL 3: MEMORANDUM, ORDINANCE & BACKUP MATERIAL**

R5F An Ordinance Amending Chapter 18 Of The City Code, Entitled "Businesses," By Adding Article XVII, Entitled "City Minimum Living Wage," To Provide For Implementation Of A City-Wide Minimum Hourly Wage; And Amending Chapter 102 Of The City Code, Entitled "Taxation," By Amending Section 102-371, Entitled "Application Procedures[.]" By Adding A Subsection Entitled "(j) Compliance With City Minimum Living Wage" And Providing For Repealer, Severability, Codification, And An Effective Date. **10:25 a.m. Second Reading Public Hearing**  
(Sponsored by Mayor Philip Levine & Co-Sponsored by all the Members of the City Commission)  
(Legislative Tracking: Office of the City Attorney)  
(First Reading May 11, 2016 - R5P)

**ACTION:** Title of the Ordinance read into the record. Public Hearing held. **Ordinance 2016-4020 adopted as amended.** Motion made by Commissioner Arriola; seconded by Commissioner Malakoff; Ballot-vote: 7-0. **Office of the City Attorney to handle.**

**AMENDMENTS:**

1. Applicability of the Federal Fair Labor Standards Act (FLSA) including implementing regulations.
2. Changes the effective date of Ordinance and dates for incremental increases in the minimum wage from June of each year to January of each year from 2018-2021.
3. Applicability to every employer subject to the City's business tax receipt (BTR) requirement of Article V of Chapter 102 of the City Code.

See handout passed by the Office of the City Attorney, attached to the ballot-vote tally sheet, showing amendments.

Raul J. Aguila, City Attorney, stated that this item is in Supplement 3.

Rob Rosenwald, First Assistant City Attorney, introduced the item. At the Finance and Citywide Projects Committee on June 3, 2016, expert testimony from members of the public and documentary evidence supporting the Ordinance was entered into the record, and at first hearing, the Ordinance was unanimously endorsed and forwarded back to the City Commission for second reading. He noted that there were minor changes made between first and second readings that included language construed in light of the FLSA (Fair Labor Standards Act). The effective date was also changed from June to January of each year.

Commissioner Alemán stated that in Section 18-921 Minimum Hourly Living Wage, she suggested adding ... Every Employer "subject to the business tax receipt requirements of Article V of Chapter 102 of the City Code," as suggested by Mr. Del Vecchio. That would make it clear that this does not apply to delivery services that are outside of the City.

Discussion held.

The following individuals spoke in favor of the Ordinance:

Frank Del Vecchio  
Adonis Garcia, IAFF President  
Laura (No last name given).  
Magaly Williams

The following individual spoke in opposition to the Ordinance:

Samantha Hunter Padgett, Vice-President, Florida Retail Federation



Raul J. Aguila, City Attorney, thanked the team from the Office of the City Attorney; Rob Rosenwald, Don Papy and Intern fellow Benjamin Benhorn; secondly he thanked Mayor Levine for not just putting his name on Ordinance, but for working with the Office of the City Attorney and spending many hours to perfect this Ordinance. City Attorney Aguila also thanked the rest of the City Commission, not just for doing the right thing and being incredibly brave to be the first City to do this in the State of Florida, but for meeting with the members of the Office of the City Attorney individually and giving them feedback from every perspective. This is a tremendous thing, and one of the things as a public servant you look forward to is doing the right thing; actions that will make people's lives better. City Attorney Aguila knows that he will look back on this as one of the finest things that his Office and this City Commission has done.

Commissioner Malakoff stated that this really is fine public policy. Something that she hopes every other community looks at and adopts what Miami Beach is doing, because we need more communities doing the right thing. She thanked the Mayor.

Mayor Levine thanked City Attorney Aguila for his words; he thanked everyone in the Office of the City Attorney for their research and efforts. He also thanked his fellow Commissioners for their support. Everyone on the dais wants to do the right thing and help the people of Miami Beach. The best part of this job is to do good things for people.

**City Attorney's Note:** Between First and Second Reading, the Office of the City Attorney recommended minor changes to the Ordinance, which are incorporated into the proposed Ordinance for Second Reading. These include changes to a few words regarding construction of the Ordinance, and changes to the effective date of Ordinance and dates for incremental increases in the minimum wage from June of each year to January of each year from 2018-2021.

Handouts or Reference Materials:

1. Ad 1158 published in The Miami Herald
2. Email from Frank Del Vecchio [fdelvecchio@atlanticbb.net](mailto:fdelvecchio@atlanticbb.net) dated June 3, 2016 RE: R5F "City Minimum Living Wage Ordinance.
3. Email from Frank Del Vecchio [fdelvecchio@atlanticbb.net](mailto:fdelvecchio@atlanticbb.net) dated June 4, 2016 RE: Recommended Changes to the proposed "City Minimum Living Wage Ordinance" Agenda Item R5F, June 8, 2016 City Commission Meeting, with attached document titled CMB Min. Wage Ord. 6.8.16.docx.
4. Letter dated June 2, 2016 from Rabbi Solomon Schiff RE: Minimum Living Wage Ordinance.

**11:07:11 a.m.**

R5G An Ordinance Pertaining To The Subject Of A Six (6) Month Moratorium For The Two National Register Historic Districts Contained Within The North Beach Master Plan Study Area With The Following General Boundaries: (1) The "North Shore National Register District," Generally Bounded By 73<sup>rd</sup> Street To The South, Dickens Avenue, Hawthorne Avenue And Crespi Boulevard To The West, 87<sup>th</sup> Street To The North, And Collins Court To The East; And (2) "Normandy Isles National Register District:" Generally Bounded By Biscayne Bay To The South, Ray Street, Rue Notre Dame And Rue Versailles To The West, Normandy Shores Golf Course To The North, And The Western Bulkhead Of Indian Creek To The East; Imposing A Temporary Moratorium Upon The Receipt Of Or Processing Of Applications, Permits Or Pending Approvals Pertaining To Demolition Of Contributing Structures Within The Two National Register Historic Districts Within The North Beach Master Plan Study Area; Providing For An Effective Date Retroactive To June 8, 2016; For Zoning In Progress Purposes, This Ordinance Shall Be Effective Upon First Reading Of This Ordinance, And No Applications For Demolition Within The Designated Area Shall Be Accepted By The City; Providing For Exceptions; Providing For Severability; Repeal Of Conflicting Ordinance Provisions; And Providing For An Expiration Date.

**10:30 a.m. First Reading Public Hearing**

(Sponsored by Commissioner Ricky Arriola & Co-Sponsored by Commissioner Joy Malakoff)  
(Planning)

(Deferred on May 18, 2016 - R5A)

**ACTION:** Title of the Ordinance read into the record. Public Hearing held. **Ordinance adopted on first reading.** Motion made by Commissioner Malakoff; seconded by Commissioner Rosen Gonzalez; Ballot-vote: 7-0. Second reading, Public Hearing scheduled for **July 13, 2016**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

Thomas Mooney, Planning Department Director, introduced the item.

Eve Boutsis, Chief Deputy City Attorney, explained the reason the item was not heard in May was due to the advertisement requirements on first reading.

Commissioner Malakoff explained that at the North Beach meeting of June 7, 2016, there were a few people who felt that they did not want a moratorium. She explained that now the Master Planner has issued their preliminary Master Plan; in it, there are two local historic districts proposed to be designated, but it is not detailed as to what streets are in the local historic district. There is a national historic district, but the buildings within that district are not protected and can be demolished. This is to protect the buildings in the meantime.

The following individuals spoke:

Kirk Pascal  
Linda Phipps  
Tanya K. Bhatt  
Daniel Ciraldo

Commissioner Rosen Gonzalez is in full support.

Commissioner Alemán stated that there is much consensus, and she hopes they can move forward. This demolition moratorium makes sense to preserve the character of the neighborhood.

Commissioner Malakoff stated that Debora Tackett has the details ready to go for the historic districts, and the delay should be minimal pending recommendations from the Master Planner.

Commissioner Arriola stated that part of the Master Plan has cutting edge, progressive ideas, such as the transfer of development rights (TDR) to the Town Center, which requires a Charter amendment. The recommendation from the Master Planner is that in order to preserve these historical gems, the transfer of development rights allows the owners to transfer development rights to other developers into areas in the Town Center, so they get the economic value and reinvest in their property to enhance buildings for continued use. The Master Plan is a work of art and he is in full support.

Handouts or Reference Materials:

1. Ad 1158 published in The Miami Herald
2. Ad 1160 published in The Miami Herald

**5:23:09 p.m.**

R5H Ocean Terrace Overlay - LDR Amendments

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article III "Overlay Districts," Creating Division 10 "Ocean Terrace Overlay", To Modify The Applicable Setbacks And Allowable Encroachments, Increase The Allowable Height To 235 Feet For Residential Uses And 125 Feet For Hotel Uses, To Limit The Maximum Floorplate Of The Tower Portion Of New Buildings, To Provide A Minimum Building Separation For The Tower Portion Of New Buildings, To Modify The Allowable Main, Conditional, Accessory And Prohibited Uses; Providing For Repealer; Severability; Codification; And An Effective Date. **5:01 p.m. Second Reading Public Hearing**

(Sponsored by Commissioner Joy Malakoff)  
(Legislative Tracking: Planning)  
(First Reading on May 11, 2016 - R5D)

**ACTION:** Title of the Ordinance read into the record. Public Hearing held. **Ordinance 2016-4021 adopted.** Motion made by Commissioner Alemán; seconded by Commissioner Arriola; Ballot-vote: 6-1; Opposed: Commissioner Rosen Gonzalez. **Thomas Mooney to handle.**

Eve Boutsis, Chief Deputy City Attorney, stated that there were concerns from the community related to a possible covenant. She clarified that when dealing with text amendments and land development regulation changes that is a legislative item that is not tied to a covenant. A covenant, or voluntary proffer, is appropriate at the planning stages, if legislation is enacted and a plan goes before the Historic Preservation Board, Design Review Board or other boards, and if there is a voluntary proffer or a covenant with the community. That is part of the give and take of the planning quasi-judicial process. A number of cases in the State of Florida address "contract zoning." This can be challenged by a third person or a possible claim by the actual developer claiming under the Burt J. Harris Act that one has taken a legal extraction from them. That is why she asked that all covenants that are of concern happen at the Historic Preservation Board level, and not as part of any legislation, for this or any project going forward.

Thomas Mooney, Planning Department Director, introduced the item and added that the changes proposed, as part of the recommendation, include minimal modifications to the pedestal portion of the project as proposed. All the recommendations have been incorporated and agreed to by the developer with minor tweaks after careful discussion. These minor tweaks will not have a negative impact on the overall design of the project. The changes proposed include in the Ordinance, if adopted, dealing primarily with the pedestal portion of the project to ensure that it remains a low scale portion of the project, and that it will continue to have a successful pedestrian scale. When the plans are completed, the Historic Preservation Board will have to do a lengthy review. Demolition and new construction are also subject to the Historic Preservation Board approval.

Neisen Kasdin, Esq., representing Ocean Terrace Holdings, made a brief presentation.

PowerPoint presentation made. Click [here](#) to view.

Cesar Pons and Richard Heisenbottle continued the presentation.

Mr. Kasdin explained the setback amendments.

Public input was taken, and the following individuals spoke:

In opposition:

Daniel Ciraldo

Paula King

Gregory Thomas

Bonnie Schwartz

Katy Colmer

In support:

Bonnie Levin

Judith Bishop

William Quintana

Jan Roelf Bult, Treasurer/Secretary, on behalf of St. Tropez President of the Homeowners Association, read a letter into the record.

Brad Benesy

Richard Hull

Commissioner Rosen Gonzalez stated that she is not against the project, and she will support this item, but only when there is a rendering showing what will be built. Her vote today will be No.

Commissioner Malakoff is in favor of this adaptive use of historic property and it deserves to come back. Ocean Terrace is an important part of the North Beach revitalization. This project will introduce parking space, restaurants and retail stores, and will maintain the historic look of the area. The Historic Preservation Board will see the renderings and at that time, the covenant will be included to help with the other concerns.

Commissioner Alemán stated that this Ordinance would help preserve historic buildings for now and the future. North Beach definitely needs to see this trigger for the revitalization and she is in full support.

Commissioner Arriola is in full support of the Ordinance. This is not a Floor Area Ratio (FAR) issue, but in this case, the overwhelming majority of people affected by this project are in support.

Vice-Mayor Steinberg stated that the project is lightyears ahead of the original proposal. She could never have supported, nor did she support, the original proposal. While she does not love the height of the tower, she understands the vision that we could work within the context to make this a wonderful revitalized area. Vice-Mayor Steinberg asked if based on what the neighbors just saw, and based on the language of the Ordinance, is there a guarantee that this presentation actually represents the existing language in the Ordinance. Vice-Mayor Steinberg wants everybody who supports this to get what they want. She would hate to see this sold or bought somehow and then down the line be a bait and switch. She wants to know if the language in the Ordinance represents the assurances given.

Mr. Mooney stated that the language in the Ordinance does not mirror what the existing conditions are, and this was a dialogue with the developer. The purpose of the revisions as

suggested by Planning, particularly along Ocean Terrace, is to ensure that any new construction at pedestal level will be well setback, so the current scale at the sidewalk and across the street will be substantially retained. Ultimately, the Historic Preservation Board will have to holdfast in terms of making sure that pedestal is designed in a way compatible with those existing low-scale buildings.

Vice-Mayor Steinberg inquired, based on the concerns of residents, if another tower can be built.

Mr. Mooney stated that the way the Ordinance is drafted, if someone was to aggregate 20,000 square feet in the 7300 block and included frontage in both Ocean Terrace and Collins Avenue, potentially another tower could be proposed.

Vice-Mayor Steinberg wants to support this but she wants to make sure that there are assurances in the Ordinance as well. She does not see sentiment from her colleagues to send this the Historic Preservation Board prior to the Commission voting on this Ordinance.

In response to a questions from Mayor Levine, Mr. Mooney explained that ultimately, regardless of the Overlay or current Ordinance, the Historic Preservation Board, an independent board, will determine if a demolition is allowed or not, and it requires a 5/7 vote for demolitions. Five votes are needed even if the demolition is for structural reasons, or to do a smaller pedestal. Mr. Mooney opined that demolition would be a larger task for the developer than this Ordinance.

Discussion continued.

Mayor Levine stated that when he ran for Mayor he wanted to accomplish major topics, such as preventing flooding, improve the Police force, push for a transportation plan, renovating the Miami Beach Convention Center, and change North Beach for the better and make North Beach a better place to live and work. They formed a North Beach Blue Ribbon Panel chaired by Commissioner Arriola, and many incredible things have already been done in the area. This is one of the things that should happen. Ocean Terrace needs revitalization; it is the right thing to do. He hopes we can grab this developer and make sure he does not run away once we get this done, because the Mayor does not believe there is a line of developers and investors in this climate right now that are lining up to do this deal. This is a bird in hand and its part of the redevelopment, renovation, restoration and reinvigoration of North Beach. He is 100% supportive of it; it is the right thing. We need to move forward with it.

Motion and vote taken.

Vice-Mayor Steinberg voted "yes," provided that the Historic Preservation Board actually confirms that the assurances and protections being proffered by the developer are included in the plans presented. If the developer does not carry out these promises and assurances as to the contextual compatibility and uses, and thereafter brings up proposals different from what has been represented, she will personally bring back this Ordinance and repeal it.

Handouts or Reference Materials:

1. Ad 1146 published in The Miami Herald
2. Ad 1158 published in The Miami Herald
3. Numerous letters of support

**5:20:47 p.m.**

R5I Hall For Hire Use In Museum Historic District

An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 3, "Residential Multifamily Districts," Subdivision IV, "RM-2 Residential Multifamily, Medium Intensity," To Amend Section 142-213, "Conditional Uses," To Include Requirements Pertaining To Hall For Hire Uses For Properties Located Within The Locally Designated Museum Historic Preservation District; Providing For Repealer; Severability; Codification; And An Effective Date.

**5:02 p.m. First Reading Public Hearing**

(Sponsored by Commissioner Joy Malakoff)

(Legislative Tracking: Planning)

**ACTION:** Title of the Ordinance read into the record. Public Hearing held. **Ordinance approved on first reading.** Motion made by Commissioner Malakoff; seconded by Commissioner Grieco; Ballot-vote: 7-0. Second reading, Public Hearing scheduled for **July 13, 2016**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Thomas Mooney to handle.**

Pursuant to Section 2-13 of the City Code, a motion was made by Commissioner Malakoff, accepting the Land Use and Development Committee's recommendation of this Ordinance; seconded by Commissioner Grieco; Voice vote: 7-0.

Thomas Mooney, Planning Department Director, introduced the item. This particular Ordinance was endorsed by the Land Use and Development Committee and the Planning Board. It sets forth regulations that allow religious institutions within the Museum Historic District to operate halls for hire outside of the boundaries they would normally be permitted to do as a religious institutions. There are a number of safeguards that have been set forth in the Ordinance that the proposer finds acceptable. The Administration recommends approval at first reading.

Commissioner Malakoff inquired if they had met with the neighbors, and the proposer responded in the affirmative.

Handouts or Reference Materials:

1. Ad 1163 published in The Miami Herald
2. Ad 1164 published in The Miami Herald



**SUPPLEMENTAL MATERIAL 2: MEMORANDUM & ORDINANCE**

~~R5J An Ordinance Amending Miami Beach City Code Chapter 2, Article VII, Division 5, Entitled "Campaign Finance Reform," By Adding Thereto Section 2-491 Entitled "Prohibited Lobbying By Campaign Consultants," Prohibiting Campaign Consultants And Certain Affiliated Persons Or Entities From Lobbying City Commission For 12 Months Subsequent To Swearing In Of Subject Elected Official(s), Establishing Definitions, And Limited Exemption; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**~~

~~(Sponsored by Commissioner Kristen Rosen Gonzalez)~~

~~(Legislative Tracking: Office of the City Attorney)~~

~~(Deferred from April 27, 2016 – R5B)~~

**City Attorney's Note:** At its meeting on April 27, 2016, the City Commission deferred the Ordinance in Item R5J, and instead directed the City Attorney to come back with an alternate version of the Ordinance, for First Reading on June 8, 2016. That alternate version, and the only Ordinance that should be before the City Commission on June 8, 2016 for First Reading, is contained in Agenda Item R5J1. Therefore, the City Attorney instructed to revise the Agenda to delete Agenda Item R5J; the only Ordinance that should be before the City Commission is the one in Agenda Item RJ51.

**9:39:021 a.m.**

**SUPPLEMENTAL MATERIAL 1: MEMORANDUM & ORDINANCE****SUPPLEMENTAL MATERIAL 2: CORRECTION MEMORANDUM**

R5J1 An Ordinance Amending Miami Beach City Code Chapter 2, Article VII, Division 3 Entitled "Lobbyists", Section 2-482(a)(4) Thereof, By Requiring A Lobbyist Who Has Within The Past Election Cycle Provided Campaign Consulting Services To An Incumbent Member Of The City Commission To Disclose Such Particular Service On His/Her Lobbyist Registration Form, Providing Definitions, Providing For Repealer, Severability, Codification, And An Effective Date.

(Sponsored by Commissioner Kristen Rosen Gonzalez)

(Legislative Tracking: Office of the City Attorney)

**ACTION:** Title of the Ordinance read into the record. **Ordinance adopted on first reading as amended, including new language.** Motion made by Commissioner Rosen Gonzalez; seconded by Vice-Mayor Steinberg; Ballot-vote: 7-0. Second reading, Public Hearing scheduled for **July 13, 2016**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Office of the City Attorney and Rafael E. Granado to handle.**

**AMENDMENT\*:****Sec. 2-482. – Registration.**

(4) (i) A lobbyist who has within the past election cycle provided campaign consulting services to an incumbent member of the City Commission shall disclose such particular service on his/her lobbyist registration form and shall orally disclose such particular service before lobbying the City Commission at a public meeting.

\*The double underline represents that portion that was amended on the floor. See handout passed by the Office of the City Attorney, attached to the ballot-vote tally sheet, showing amendments.

Raul J. Aguila, City Attorney, introduced the item. He explained that originally, the Ordinance was presented as a prohibition Ordinance on first reading in April, but action was not taken then. The City Commission discussed the Ordinance and asked for the City Attorney to come back with an alternative. He met with Commissioner Rosen Gonzalez, and the alternatives proffered are that if campaign consulting services have been provided within the last election cycle and one seeks to



lobby the City Commission; 1) they are required to disclose that in the Lobbyist Registration Form to disclose services provided and to whom; and 2) the lobbyist is required to make a verbal disclosure prior to engaging in lobbying as to whom they provided services to. This is the additional language that was provided today via a handout.

There was consensus to move the Ordinance forward

Handouts or Reference Materials:

1. Email from Kristen Rosen Gonzalez dated June 7, 2016 RE: R5J.
2. Email from John Vice-Mayor Alemán dated June 7, 2016 RE: Meeting tomorrow, consent pull

**9:42:00 a.m.**

R5K An Ordinance Amending Chapter 2 Of The Code Of The City Of Miami Beach, Entitled "Administration," By Amending Article III, Entitled "Agencies, Boards And Committees," By Creating A Capital Improvement Projects Oversight Committee In Division 28, And Providing For The Establishment, Purpose, Powers And Duties, Composition, And Supporting Department For The Committee In Section 2-190.27; Providing For Repealer Severability, Codification, And An Effective Date. **First Reading**

(Sponsored by Commissioner Kristen Rosen Gonzalez)  
(Legislative Tracking: Office of the City Attorney)

**ACTION:** Title of the Ordinance read into the record. **Ordinance not adopted.** No motion made.

Commissioner Rosen Gonzalez stated that the City is spending over a billion dollars in capital projects, and there are over 500 projects, many of them with Change Orders, and she thinks due to the amount of projects the City has, it is too much for the taxpayers' dollars without proper oversight. She suggested that an oversight committee come together, which will save taxpayers money. She added that this was first created by Mayor Dermer back in the 1990s.

Commissioner Arriola is not in favor of this item. Committees only slow things down. Elected officials must oversee these projects. They do not need another layer of bureaucracy.

Commissioner Malakoff served on the GO Bond Oversight Committee years ago, and it does delay things. She cannot support this as this did not work well originally and added impediments. The City Commission is the Oversight Committee, and besides that, such projects go in front of the Design Review Board, Planning Board, Building Departments, etc. They already have checks and balances in place.

Vice-Mayor Steinberg stated Citizen participation in projects is already good and the City engages the public well. CIP reaches out to neighborhoods before projects are commenced. As far as Change Orders, perhaps prior to coming in front of the City Commission they should be vetted before the Finance and Citywide Projects Committee. CIP reaches out to neighborhoods before projects are done.

Discussion held.

David Martinez, CIP Director, stated that they go in front of every committee, other departments and neighborhood associations; he is all for transparency and peer review; the City Manager has put together a great team for those matters requiring that type of input, and he feels confident with the way the process works today.

No motion made. No action taken.

**9:49:53 a.m.**

R5L An Ordinance Amending Chapter 2 Of The Code Of The City Of Miami Beach, Entitled "Administration," By Amending Article II, Entitled "City Commission," By Amending Section 2-12, Entitled "Meeting Agendas," By Amending The Requirements And Procedures Relating To City Commission Presentations And Awards Meetings And Agendas; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**

(Sponsored by Commissioner Kristen Rosen Gonzalez)

(Legislative Tracking: Office of the City Attorney)

**ACTION:** Title of the Ordinance read into the record. There was consensus that the aspirational goal is to keep business that must be discussed and action taken at the City Commission Meeting, and not during the Presentation and Awards Meeting. No motion made. **Ordinance not adopted.**

Commissioner Rosen Gonzalez requested amending proposed Ordinance this to exclude land use matters at Presentation & Awards City Commission meetings and placing those items at the City Commission Meetings only.

Mayor Levine explained the process for the new Commissioners. When he first was elected, the Commissions decided to separate the presentation and awards portion of the agendas to a separate meeting, and it has worked fairly well. In general, this is left up to each elected official's discretion.

Discussion continued.

Vice-Mayor Steinberg stated that they should not be placing business items on the Presentation and Awards Meeting, unless it is an emergency item. Commissioner Rosen Gonzalez makes a good point.

Discussion continued.

There was consensus that the aspirational goal is to keep business that must be discussed and action taken at the City Commission Meeting, and not during the Presentation and Awards Meeting.

No motion made. No action taken.

**9:55:15 a.m.**

R5M Miami Beach Panel Of Architects

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, Florida, Chapter 118, "Administration And Review Procedures," Article II, "Boards," By Creating Section 118-33 To Establish The Miami Beach Panel Of Architects ("MBPOA"); And By Amending The Criteria And Procedural Thresholds For The Review And Approval Of New Single-Family Residential Construction By Authorizing The MBPOA To Conduct Certain Reviews; Creating Division 6, Entitled "Miami Beach Panel Of Architects," At Sections 118-139 Through 118-156, Providing For Purpose, Composition Of Board, Membership, Qualifications, Quorum, Meeting Procedures, Powers And Duties, Fees And Applications; Amending Section 118-8, Entitled "Notice Procedures For Quasi-Judicial, Public Hearing Quasi-Judicial Land Use Board Actions" To Include Notice Procedures For Proceedings Before The MBPOA; And Amending Section 118-9, Entitled "Rehearing And Appeal Procedures," To Provide Procedures For Appeals From The MBPOA; Providing For Codification; Repealer; Severability; And An Effective Date.

**First Reading**

(Sponsored by Commissioner Joy Malakoff)  
(Legislative Tracking: Planning)

**ACTION:** Title of the Ordinance read into the record. Item referred to the Planning Board before second reading. **Ordinance adopted on first reading.** Motion made by Commissioner Malakoff; seconded by Commissioner Rosen Gonzalez; Ballot-vote: 7-0. Second reading, Public Hearing scheduled for **July 13, 2016**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda, if received. **Thomas Mooney to place on the Planning Board agenda of June 28, 2016 and to handle.**

Pursuant to Section 2-13 of the City Code, a motion was made by Commissioner Malakoff, accepting the Land Use and Development Committee's recommendation of this Ordinance; seconded by Commissioner Grieco; Voice vote: 7-0.

**DIRECTION:**

Include guidelines and criteria for the professional.

**REFERRAL:**

Planning Board before second reading on June 28, 2016.

Commissioner Malakoff stated this was discussed at the Land Use and Development Committee. In the last several years, she has heard residents complain that new homes built are not compatible with the prevailing character of the existing residential neighborhoods. The privacy and attractive pedestrian streetscapes in human scale and character of the City, within our single-family neighborhoods, are important to protect. They cannot legislate architectural taste or skills, but they can find a method to ensure that new homes being built are more compatible with the residential neighborhood.

Thomas Mooney, Planning Department Director, introduced the item. The Ordinance would establish a panel of architects whose roles would be to review homes that are currently not subject to the Historic Preservation Board or Design Review Board review, located in the historic districts or homes seeking waiver from the Code. As the panel would function with rotating architects, a separate proposal to amend the Code of Ethics is being proposed. This exemption for design professionals, architects and landscape architects, must be approved by the City's voters. The deadline to get language for the November ballot to Miami-Dade County Elections is August (August 9, 2016). If the proposal is approved today, second reading would be on **July 13, 2016**, which can coincide with the ballot inclusion. The panel of architects would consist of up to 15 professionals; however, the panel meeting biweekly would consist of only three architects, for

availability. The review is not quasi-judicial and the Administration is recommending approval on first reading, and that the item be referred to the Planning Board for action on June 28, 2016.

Eve Boutsis, Chief Deputy City Attorney, clarified that if the Charter amendment does not pass, there is an automatic sunset of this Ordinance, because of the problems getting architects.

Discussion held regarding the referendum.

Ms. Boutsis explained that the referendum is for the waiver on the ethics issue to create a large panel; the Ordinance would create a new board, similar to that in the City of Coral Gables.

Discussion continued regarding City of Coral Gables guidelines versus City of Miami Beach.

Commissioner Malakoff stated that Miami Beach welcomes many styles of architecture, but there is the question of the quality of the architects. This is an attempt to have a panel of architects meet bi-weekly or weekly; it will not hold up single-family homes that are to be built; it would allow a panel of three architects to review the plans and make recommendations.

Discussion continued.

Commissioner Alemán asked what standards the panel would use for comparison. She added that if an architect were volunteering their professional time, they would need direction, and not just inflicting their personal taste on another architect.

Mayor Levine asked if Design Review Board reviews a single-family home being built.

Mr. Mooney stated that it is not a requirement. If it is a vacant lot, or the lot contains a home built after 1942, Design Review Board is not mandatory unless they are seeking a variance.

Commissioner Grieco added that this was in lieu of what was proposed by Commissioner Malakoff, to make sure homes had some sort of review, for those that were not going to the Planning Board for review. This would only create a one or two week delay. He is supportive of the item as a compromise.

Commissioner Rosen Gonzalez commended Commissioner Malakoff for this idea and she is in support.

Vice-Mayor Steinberg expressed her concerns. She has difficulty with Section 10 regarding the Charter amendment. She respects Commissioner Malakoff for putting this forward, since there is no oversight for homes, and they need to come up with some process whereby people are not offended by what is being built adjacent to their homes; she will support the item on first reading, but wants to discuss it with the City Manager and the City Attorney prior to second reading to find out more about what can be done. **Office of the City Attorney and Office of the City Manager to handle.**

Commissioner Alemán suggested adding criteria so that this is a professional board conducting their business in a professional manner.

Discussion held.

Mayor Levine suggested that 1) they have a time limit, and 2) recommend that they look at this on a trial for six months, sunset and then see how it works.

Commissioner Arriola supports this Ordinance in spirit, but is concerned about not having proper guidelines. He suggested including guidelines for the panel and agrees on doing it on a trial period.

Mayor Levine asked if the panel could meet remotely. **Eve Boutsis to research.**

Commissioner Malakoff stated that before the second reading, she would request that the criteria be included. The first alternative was that Design Review Board wanted to review all single family homes, but after discussing with Planning there is a huge cost, plus Design Review Board would have to meet more than once a month. This is an alternative to that and she thinks is doable. They do have to get qualified architects and it is important to get the Charter amendment.

Commissioner Rosen Gonzalez inquired about the architect selection, and if they are now working in Miami Beach, this might be a conflict of interest.

Mayor Levine clarified that they are trying to get a Charter change, to provide a waiver for architects working in Miami Beach, so a conflict is not created.

### **R7 - Resolutions**

**11:23:59 a.m.**

R7A A Resolution Pursuant To Section 142-425(d), Of The Code, Authorizing A Waiver Of Section 142-802(3), Of The Land Development Regulations, By A 5/7<sup>th</sup> Vote Of The City Commission, After Public Hearing; To Reduce The Required Rear Setback From 10 Feet From The Bulkhead Line To 10 Inches In Order To Construct The Permanent Bench Structure As Part Of The Playground At Allison Park, Located At 6475 Collins Avenue. **10:35 a.m. Public Hearing**  
(Capital Improvement Projects/Office of the City Attorney).

**ACTION:** Title of the Resolution read into the record. Public Hearing held. **Resolution 2016-29435 adopted.** Motion made by Commissioner Alemán; seconded by Commissioner Malakoff. Voice-vote: 7-0. **David Martinez and Office of the City Attorney to handle.**

David Martinez, CIP Director, introduced the item and explained the setback requirements.

Sylvia Ospina asked what a setback is and what the sizes of the benches are. Residents near Allison Park are concerned with any permanent structure or picnic tables that may attract undesirable people to sit and sleep on them. The setback is dramatic, going from ten feet to ten inches, and she questions that. She inquired as to the possibility of moving this playground to the 76<sup>th</sup> Street, where there is another playground being proposed.

Eve Boutsis, Chief Deputy City Attorney, explained the definition of the setbacks.

Mr. Martinez explained the size of the benches, which are approximately five feet by ten feet long, and sit about seven people. Benches are facing east towards the playground.

Commissioner Malakoff explained that the benches are needed for parents to watch their children as they play.

Handouts or Reference Materials:

1. Ad 1158 published in The Miami Herald
2. Ad 1159 published in The Miami Herald

**11:27:47 a.m.**

R7B A Resolution Adopting The Sixth Amendment To The Capital Budget For Fiscal Year 2015/16.

**10:40 a.m. Public Hearing**

(Budget & Performance Improvement)

**ACTION:** Title of the Resolution read into the record. Public Hearing held. **Resolution 2016-29436 adopted.** Motion made by Commissioner Arriola; seconded by Commissioner Alemán. Voice-vote: 7-0. **Cintya G. Ramos to handle.**

Cintya G. Ramos, Budget & Performance Improvement Director, stated that the Sixth Amendment to the FY 2015/16 Capital Budget totals an increase of \$3,088,000, in order to provide funding to the North Beach Senior Center HVAC repairs and Bayshore Neighborhood BPD8 Sunset Island 3 & 4 Right of Way Improvements.

Handouts or Reference Materials:

1. Ad 1158 published in The Miami Herald

**11:29:01 a.m.**

R7C Waive Bidding/Execute Lease Agreements With South Florida Seniors In Action, Inc., And Lighthouse Church Of Miami Beach, Inc.

1. A Resolution Following A Duly Advertised Public Hearing, And Waiving, By 5/7<sup>th</sup> Vote, The Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City; And Approving And Authorizing The Mayor And City Clerk To Execute A Lease Agreement, Substantially In The Form Attached To This Resolution, Between The City And South Florida Seniors In Action, Inc. (Tenant), For The Use Of Approximately 142 Square Feet Of City-Owned Property, Located On The First Floor At 833 6<sup>th</sup> Street, Miami Beach, Florida (Premises), For A Term Of Thirty-Nine (39) Months, Commencing July 1, 2016 And Ending September 30, 2019. **10:45 a.m. Public Hearing**  
(Tourism, Culture & Economic Development)

**ACTION:** Title of the Resolution read into the record. Public Hearing held. Item heard in conjunction with R7C2. **Resolution 2016-29437 adopted.** Motion made by Commissioner Grieco; seconded by Vice-Mayor Steinberg. Voice-vote: 7-0. **Max Sklar to handle.**

Max Sklar, Tourism, Culture & Economic Development Director, stated that South Shore Community Center is currently occupied by non-for-profit organizations; they pay \$1.20 per square foot annually and for their operating expenses of over \$11 per square foot. Currently they have space available. Staff was approached by South Florida Seniors in Action to lease 142 square feet, and Lighthouse Community Church of Miami Beach for 82 square feet of interior storage space. The agreement to approve today is consistent with all other agreements in that facility.

**City Clerk's Note:** Items R7C1 and R7C2 heard jointly.

Handouts or Reference Materials:

1. Ad 1163 published in The Miami Herald



**11:29:01 a.m.**

2. A Resolution Following A Duly Advertised Public Hearing, And Waiving, By 5/7<sup>th</sup> Vote, The Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City; And Approving And Authorizing The Mayor And City Clerk To Execute A Lease Agreement, Substantially In The Form Attached To This Resolution, Between The City And Lighthouse Church Of Miami Beach, Inc. (Tenant), For The Use Of Approximately 82 Square Feet Of City-Owned Property, Located On The First Floor At 833 6th Street, Miami Beach, Florida (Premises), For A Term Of Thirty-Nine (39) Months, Commencing July 1, 2016 And Ending September 30, 2019. **10:46 a.m. Public Hearing**  
(Tourism, Culture & Economic Development)

**ACTION:** Title of the Resolution read into the record. Public Hearing held. See action with Item R7C1. **Resolution 2016-29438 adopted.** Motion made by Commissioner Grieco; seconded by Vice-Mayor Steinberg. Voice-vote: 7-0. **Max Sklar to handle.**

Max Sklar, Tourism, Culture & Economic Development Director, introduced the item.

**Clerk's Note:** Items R7C1 and R7C2 heard jointly.

Handouts or Reference Materials:

1. Ad 1163 published in The Miami Herald

**11:30:45 a.m.**

Vice-Mayor Steinberg acknowledged former Mayor of Lake Worth and Florida Senator Jeff Clemens, who is in the audience. She also recognized him for his musical talent and for bringing awareness to the issue climate change.

**1:19:48 p.m.****SUPPLEMENTAL MATERIAL 2: MEMORANDUM & RESOLUTION)**

- R7D A Resolution Pursuant To Section 82-37, Of The City Code, Approving On First Reading, And Further Setting A Second Reading/Public Hearing To Obtain Citizen Input On, The Vacation Of 2,000 Square Feet Within The Alley Known As Alton Court (Hereinafter The "Alley"); Said Vacation In Favor Of The Adjacent Property Owners, 1681 West Ventures, LLC And 1698 Alton Road Ventures, LLC (Collectively The "Developer"); Waiving By 5/7<sup>th</sup> Vote, The Competitive Bidding Requirement, Pursuant To Sections 82-39(a), Of The City Code, Finding That The Public Interest Would Be Served By Waiving Such Condition; And Further Conditioning The Vacation Of The Alley On: (1) The Issuance By The City Of Two Quit Claim Deeds; (2) The Granting Of An Access And Use Easement By The Developer To The City; And (3) The Final Approval And Execution Of A Development Agreement Between The City And The Developer; And Further Referring This Item To The Finance And Citywide Projects Committee, As Required By Section 82-37(a)(1), Of The City Code. **First Reading**  
(Public Works)

**ACTION: Resolution 2016-29439 approved on first reading.** Motion made by Commissioner Alemán; seconded by Commissioner Malakoff. Voice-vote: 6-0; Absent: Commissioner Arriola. Second Reading, Public Hearing of this Resolution is scheduled for **July 13, 2016**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda. **Eric Carpenter to handle.**

Jay Fink, Assistant Public Works Director, introduced the item and explained that the proponents and staff are still negotiating and will be back in front of the Finance and Citywide Projects Committee. This item is to approve on first reading and set a public hearing on second reading.

Commissioner Malakoff stated that this all has to do with numbers. Mr. Fink responded that the numbers would be in front of the Finance and Citywide Projects Committee at their next meeting.

Handouts or Reference Materials:

1. Ad 1163 published in The Miami Herald

**1:21:10 p.m.**

- R7E A Resolution Approving And Authorizing The City Manager, Or His Designee, To Submit A Grant Application To The U.S. Department Of Justice For The Fiscal Year 2016 Edward Byrne Memorial Justice Assistance Grant (JAG) Program, For Funding In The Approximate Amount Of \$70,962 For Police Department Priorities; Approving And Authorizing The Appropriation Of The Above Grant; And Further Authorizing The City Manager, Or His Designee, To Take All Necessary Steps And To Execute Documents In Connection With The Aforestated Grant Including, Without Limitation, Applications, Grant And Funding Agreements, And Audits.  
(Budget & Performance Improvement)

**ACTION: Resolution 2016-29440 adopted.** Motion made by Commissioner Grieco; seconded by Commissioner Alemán. Voice-vote: 6-0; Absent: Commissioner Arriola. **Cintya G. Ramos to handle.**

Judy Hoanshelt, Grants Manager, introduced the item. Ms. Hoanshelt explained that this is a request to apply to the Department of Justice for a Justice Assistance Grant (JAG), which provides funding for law enforcement. The reason that this item is not in the Consent Agenda, is that the Department of Justice requires that the City make the information available to the public. Ms. Hoanshelt informed the community that they would be applying for the JAG Grant, and that information is available on the City's website.

**1:21:59 p.m.**

**SUPPLEMENTAL MATERIAL 2: MEMORANDUM & RESOLUTION**

- R7F A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee And Approving A Term Sheet, Attached Hereto As Exhibit 1, For The Development Of A "Green Alley" At Española Way East/14<sup>th</sup> Place And Ocean Court; And Authorizing The Administration And City Attorney To Negotiate A Development Agreement Based Upon The Approval Of The Term Sheet.

(Public Works)

**ACTION: Resolution 2016-29441 adopted.** Motion made by Commissioner Malakoff; seconded by Commissioner Arriola. Voice-vote: 5-2; Opposed: Vice-Mayor Steinberg and Commissioner Rosen Gonzalez. **Eric Carpenter to handle.**

Eric Carpenter, Assistant City Manager/Public Works Director, introduced the item and stated that negotiating sessions were held with the results being reviewed by the Finance and Citywide Projects Committee. At Committee, the item was referred back to the City Commission for approval of the term sheet for the "Green Alley."

Vice-Mayor Steinberg stated The Betsy is one of the best hotels, but she has an issue with the City paying for the entire bill for something the property owner proffered, and setting that precedent.

Mr. Carpenter explained that the items requested, as part of the improvement to the alley, had \$240,000 worth of dollars allocated to it, as part of the air right easement contract with the developer. There were a number of additional dollars necessary for the undergrounding of the utilities, demolition, planting, irrigation, lighting, drainage, construction administration, administrative fee and contingency. The total amount was \$720,000; the developer made concessions on their administrative and contingencies fees, and agreed to add approximately \$100,000 worth of additional improvements to the alley of an artistic nature.

Commissioner Arriola explained that he helped negotiate this agreement with the owners of The Betsy Hotel, and the issue is who will bear the cost and the underground utilities that are in the alleyway. The agreement reached with the owner of The Betsy was for the City to absorb the cost of public utilities undergrounding; the give back was for the owner of The Betsy to contribute an additional \$100,000 for art and other installations to beautify the alley. It is a decent compromise.

Eve Boutsis, Chief Deputy City Attorney, stated that the City Commission directed that the funds paid for the aerial easement, for the area behind The Betsy and The Carlton, in the amount \$240,000, would be used towards this green alley. There is another green alley, The Tides, which could be optional funds that could be used for this alley, if the City Commission decides to do that. The developer has paid \$500,000 in lieu of parking impact fees, and would like to see the City use those fees towards the balance for this project.

Vice-Mayor Steinberg explained that anyone that does not provide the proper parking has to pay in lieu of fees. When there is a fee created for a purpose of furthering garages or transportation, her concern is that that it sets a precedent.

Ms. Boutsis announced that Mr. Riley, counsel for The Betsy, will be here to speak on behalf of his client.

Commissioner Arriola asked the City Manager if monies would be available somewhere else, so the parking fund is untouched.

Jimmy L. Morales, City Manager, added that as part of the capital process, they have identified projects that can be closed out, but he is not sure the amount of funding needed.

Mr. Carpenter answered that \$480,000 were used; \$100,000 already received from The Tides, so that total is \$380,000.

Mr. Morales stated that if this is a priority for the City, they can identify the funding from other sources, including old accounts, completed projects and/or surplus funds.

David Custin, representing The Betsy Hotel, explained, for the record, that this is a public/private partnership. His client invested between the artistic bridge and upgrading the multiple alleyways, as part of an effort to upgrade Ocean Drive as a whole; so it is not a precedent setting; it is unique. His client invested well upwards in the amount of \$2 million in the private sector side. In terms of the parking impact, they tried to identify potential prospective funding sources, but they would never dictate to the City. During negotiations at Finance and Citywide Projects Committee, this was discussed. The big cost was the undergrounding, and as a partnership they believe this is a unique opportunity to connect Ocean Drive with Española Way and a green alley. The item has travelled through Committees and the process has been transparent.

Mayor Levine is in favor of the item and thinks this is the right thing to do.

Discussion held regarding setting a precedent.

Commissioner Arriola is comfortable that this particular project is not setting a precedent. The City is making a deliberate effort in a public/private partnership to open up an alley, which will beautify the experience for tourists and residents walking from Ocean Drive to Española Way. The City is trying to make it in an iconic alleyway, and it is unique. He does not think this is setting a precedent; and in limited cases where it makes economic sense, he thinks they might want to explore doing this in the future.

Commissioner Alemán suggested discussing this at the Finance and Citywide Projects Committee, and added that this is a true partnership; it is the City's alley and the City's utilities. She is in support of the item and it will become an attraction.

Vice-Mayor Steinberg is concerned with the breakdown when individuals proffer from the City, and agrees with Commissioner Arriola that in moving forward, they should identify areas in the City to have a more holistic approach.

**10:53:36 a.m.**

R7G A Resolution Ratifying A Three-Year Labor Agreement Between The City Of Miami Beach And The International Association Of Firefighters, Local 1510 (IAFF), For The Period From October 1, 2015 Through September 30, 2018; Authorizing The Mayor And City Clerk To Execute The Agreement.

(Human Resources)

**ACTION: Resolution 2016-29442 adopted.** Motion made by Commissioner Alemán; seconded by Commissioner Grieco. Voice-vote: 7-0. **Sylvia Crespo-Tabak to handle.**

Jimmy L. Morales, City Manager, introduced the item, which is the first of the Collective Bargaining Agreements for the City Commission's approval. They had three goals; 1) reward employees for their cooperation during tough years and make sure they share the good times for hard work and commitment to the City; 2) work hard to try to significantly improve and address issues involving management rights; and 3) try to achieve, for the long-term, pension reforms with respect to future hires. He recognized the Human Resources Department for negotiating with the Bargaining Units to achieve these goals. The Union ratified the agreement overwhelmingly.

Sylvia Crespo-Tabak, Human Resources Director, introduced Assistant Human Resources Director Jose Del Risco, who was instrumental in helping the City reach an agreement.

Adonis Garcia, IAFF President, thanked Jimmy Morales, City Manager, and staff, for carrying on these negotiations with the outmost respect. He stated that they appreciate the dignity the City Manager shows employees on a daily basis; he has done a tremendous job over the past year. He thanked City staff for their fairness to employees, but in particular, he acknowledged Jose Del Risco and his staff, who spent many nights working long hours working to achieve this labor agreement; these are the unsung heroes who are constantly working very hard.

Mayor Levine stated that this City Commission believes and respects this incredible team of public safety officers.

Mr. Garcia recognized Chief Fernandez for turning this department around.

Commissioner Arriola thanked City staff for this process, and acknowledged Adonis Garcia for his leadership and professionalism. Mr. Garcia is a total professional to deal with and he is a great employee representative.

## Handouts or Reference Materials:

1. Updated actuarial impact statement from Gabriel Roeder Smith & Company dated June 7, 2016 RE: City Pension Fund for Firefighters and Police Officers in the City of Miami Beach Proposed Collective Bargaining Agreements.

**1:33:24 p.m.**

- R7H A Resolution Urging The Florida Legislature To Honor The Intent Of The Constitutional Amendment Approved By Florida Voters In 2014 ("Amendment 1"), And Appropriate Funding For The Acquisition And Improvement Of Land For Conservation Purposes.  
(Sponsored by Commissioner Ricky Arriola)

**ACTION: Resolution 2016-29443 adopted.** Motion made by Commissioner Arriola; seconded by Commissioner Malakoff. Voice-vote: 6-0; Absent: Commissioner Grieco. **Gloria Baez to handle. Rafael E. Granado to transmit the Resolution.**

Commissioner Arriola urged the City Commission to pass a Resolution urging the State of Florida and State Representatives locally to help pay for conservation efforts. He explained that in 2014, 75% of Florida voters passed Amendment 1, which allocates at least 33% of net revenues from the existing excise tax on documents in Florida to the Florida Land Acquisition Trust Fund, and provides money for the State to purchase land for conservation efforts. Because of the contamination of Lake Okeechobee from the farms, the State has the opportunity to buy land from US Sugar that would allow for the proper southwardly flow of water into the land. This Resolution urges the State to buy said land, since to date the State has not taken any action. The effect has been that that the water runs to the east, polluting beaches and waterways, and affecting our fishing industry and City beaches. This Resolution urges the State and its elected representatives to do what Florida voters have asked, to use the money in the Florida Land Acquisition Trust fund to purchase the land from US Sugar to prevent further pollution of the bays and beaches.

Commissioner Malakoff stated that this affects us all in South Florida.

**1:36:40 p.m.**

- R7I A Resolution Accepting The Finance And Citywide Projects Committee's Recommendation Of May 20, 2016, And Approving The Purchase Of Flood Insurance; All-Risk Property Insurance, Including Windstorm (With Additional Named Windstorm Limit Of \$5 Million); Boiler & Machinery Insurance For City Buildings And Contents (Including New Construction); And Fine Arts Insurance (Bass Museum And Other Locations), As Proposed By Arthur J. Gallagher Risk Management Services, Inc., The City's Broker Of Record; Said Property Insurance Program Covering The Period From June 1, 2016 Through May 31, 2017, For A Total Cost Not To Exceed \$1,824,891.

(Human Resources)

**ACTION: Resolution 2016-29444 adopted.** Motion made by Commissioner Malakoff; seconded by Commissioner Arriola. Voice-vote: 7-0. **Sylvia Crespo-Tabak and Sonia Bridges to handle.**

Sylvia Crespo-Tabak, Human Resources Director, introduced Sonia Bridges, Risk Manager, to make the recommendation.

Sonia Bridges, Risk Manager, stated that the Property Insurance program is up for renewal on June 1, 2016. At the Finance and Citywide Projects Committee meeting for the approval of the renewal program, they recommended for an additional \$5 million windstorm limit, and this is the



issue that requires City Commission approval.

Jimmy L. Morales, City Manager, is in agreement with the recommendation.

**1:38:24 p.m.**

R7J A Resolution Approving And Authorizing The Mayor And City Clerk To Grant A Non-Exclusive Utility Easement Of Approximately 26,600 Square Feet (SF), To Florida Power And Light (FPL) At The Miami Beach Convention Center Property, Located At 1901 Convention Center Drive, For The Operation And Maintenance Of Ductbanks, Vault Rooms And Pad Mounted Transformer And Associated Equipment Serving The Convention Center And Regional Stormwater Pump Station, Which Easement Is Attached Hereto As Exhibit I.

(Public Works/Convention Center District)

**ACTION: Resolution 2016-29445 adopted.** Motion made by Commissioner Arriola; seconded by Commissioner Alemán. Voice-vote: 7-0. **Eric Carpenter and Maria Hernandez to handle.**

Jay Fink, Assistant Public Works Director, explained that as part of the Miami Beach Convention Center (MBCC) renovation, the existing FPL vault rooms will be demolished and two new FPL vault rooms, associated with undergrounding electrical utilities, will need to be constructed. A new regional Stormwater pump station will be installed on the northeast corner of the MBCC site. Additionally an FPL mounted transformers and associated equipment and undergrounding utilities will also be required. In order for FPL to schedule these items in City property, they require access to service equipment and an easement to be recorder per FPL's requirements.

**1:39:39 p.m.**

R7K A Resolution Approving The Extension Of Hours For Certain Alcoholic Beverage Establishments With A 5:00 a.m. Liquor License To 7:00 a.m., Under Certain Specified Conditions Pursuant To Section 6 Of The City Code, For The White Party 2016 (November 25<sup>th</sup> And 26<sup>th</sup> 2016), The Winter Party Festival 2017 (March 3<sup>rd</sup> And 4<sup>th</sup>, 2017), And Miami Beach Gay Pride 2017 (April 7<sup>th</sup> And 8<sup>th</sup>, 2017), As Recommended By The LGBT Advisory Committee; And, Further, Providing That The Extension Of Alcoholic Beverage Service Hours Be Applied Only To Alcoholic Beverage Establishments Holding Events In The City Of Miami Beach On The Above-Stated Dates.

(Sponsored by Commissioner Michael Grieco)

(Legislative Tracking: Office of the City Attorney)

**ACTION: Resolution 2016-29446 adopted.** Motion made by Commissioner Grieco; seconded by Commissioner Arriola. Voice-vote: 7-0. **Office of the City Attorney to handle.**

Michael Bath, National LGBTQ Task Force member, and **Matt** Lois, Miami Beach Gay Pride Festival Chair, introduced the item, which is a Resolution that the LGBT Advisory Committee brings annually to extend bar hours during the three major LGBT events, as it helps meet their fundraising goals.

Commissioner Grieco stated this extension of hours is done annually.

Mayor Levine explained that this is to extend the hours for certain alcoholic beverage establishments from 5:00 a.m. to 7:00 a.m. during these events.

Mr. Bath commended the City Commission for banning the conversion therapy. (See item R5D.)



**1:41:09 p.m.**

- R7L A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Firms, Pursuant To Request For Qualifications (RFQ) No. 2016-073-KB, For Construction Manager At Risk (CMR) For Construction Of Lincoln Road District Improvements; Authorizing The Administration To Enter Into Negotiations With Burkhardt Construction, Inc., As The Top Ranked Proposer; Further, Should The Administration Not Be Successful In Negotiating An Agreement With Burkhardt Construction, Inc., Authorizing The Administration To Enter Into Negotiations With Skanska USA Building, Inc., As The Second Highest Ranked Proposer; Further, Should The Administration Not Be Successful In Negotiating An Agreement With Skanska USA Building, Inc., Authorizing The Administration To Enter Into Negotiations With Facchina Construction Of Florida, LLC, As The Third Highest Ranked Proposer And Further Authorizing The Mayor And City Clerk To Execute An Agreement, Upon Conclusion Of Successful Negotiations By The Administration.  
(Procurement/Capital Improvement Projects)

**ACTION: Resolution 2016-29447 adopted.** Motion made by Commissioner Malakoff; seconded by Commissioner Alemán. Voice-vote: 7-0. **Alex Denis and David Martinez to handle.**

David Martinez, CIP Director, stated that the Administration is requesting accepting the recommendation from the City Manager as it relates to the ranking of firms for a Construction Manager At Risk firm for the Lincoln Road project, and that is Burkhardt Construction, Inc.

Motion made by Commissioner Malakoff; seconded by Commissioner Alemán.

Vice-Mayor Steinberg commented that it was nice to see bids come in with names that they do not recognize, and it seems that people want to do business with the City.

**1:42:25 p.m.**

- R7M A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee, And Authorizing The City Manager And City Attorney To Negotiate And Draft A Reimbursement And Indemnity Agreement With Fort Partners, LLC And Miami Beach Marina Associates, LTD. (Collectively, The "Developer"), To Provide For The Developer's Reimbursement Of The City's Due Diligence Expenses Relating To The Proposed 300 Alton Road Project (The "Project"), Including But Not Limited To Reimbursement Of Costs And Expenses For The Necessary Appraisals, Traffic Study, Outside Counsel, Consultants And Other Third-Party Costs And Expenses Relating To The Project; Authorizing The City Manager To Engage The Necessary Appraisers For The Project; And Further Authorizing The City Manager And City Clerk To Execute Said Reimbursement And Indemnity Agreement Upon Conclusion Of Successful Negotiations With The Developer.  
(Office of the City Attorney)

**ACTION: Resolution 2016-29448 adopted.** Motion made by Commissioner Alemán; seconded by Commissioner Grieco. Voice-vote: 7-0. **Office of the City Attorney to handle.**

Raul J. Aguila, City Attorney, stated that this arose at the June 3, 2016 Finance and Citywide Projects Committee, which included an initial discussion of the proposed redevelopment project for the Miami Beach Marina, and all the accompanying agreements and land use amendments required to present that deal to the City Commission. As a first step, the Committee decided, based also upon a voluntary proffer by the developer involved, that the City Administration and the Office of the City Attorney negotiate a reimbursement and indemnity agreement and hold a harmless agreement with the proposer, Ford Partners, whereby they agreed voluntarily to reimburse the City for any cost that the City incurs in doing its due diligence with regard to the

deal, such as outside counsel fees, appraisers, traffic consultants, and any other consultants that the City feels that it needs with regard to analyzing this proposed deal. The developer has also agreed to hold the City harmless and indemnify against the City from any litigation resulting from this project. This is the first step in moving that deal forward. The only thing being requested is authority for the Office of the City Attorney to negotiate a reimbursement agreement with the developer so that the City is reimbursed for its cost, whatever happens. In answering Mayor Levine, City Attorney Aguila clarified that the item is not an approval, nor a procedural step required, it is merely an agreement to reimburse the City for its due diligence costs.

Commissioner Alemán agreed that this is the right move. The taxpayers should not have to pay for the City's due diligence, and whether or not they proceed, they should not expect to be harmed in any way or held accountable if it does not go forward.

**3:00:57 p.m.**

R7N A Resolution Authorizing The City Manager To Approve And Execute The Supplemental Work Order With Shiff Construction And Development, Inc., For Replacement Of The HVAC System At The North Beach Senior Center Facility Project Located At 7231 Collins Ave, Utilizing The Competitively Bid National Joint Powers Alliance (NJPA) Cooperative Contract, In The Amount Of \$335,682, For Construction Costs, Plus Owner's Contingency In The Amount Of \$10,000 For A Total Cost Of \$345,682, Partially Utilizing Previously Appropriated Funds And Funding Subject To A 6<sup>th</sup> Amendment To The FY 15/16 Capital Budget.  
(Capital Improvement Projects)

**ACTION: Resolution 2016-29449 adopted.** Motion made by Commissioner Malakoff; seconded by Vice-Mayor Steinberg. Voice-vote: 7-0. **David Martinez to handle.**

David Martinez, CIP Director, introduced the item. Mr. Martinez explained that per the City Commission direction, repairs to the HVAC System at the North Beach Senior Center Facility were made. They have concluded the assessment and are requesting to allow an award order to Shiff Construction to make significant replacement of all of the major components, nonstructural roof fixes, and new management system of the controls in the amount of \$345,682.

Mayor Levine asked if the City is going to potentially take over or run the Senior Center.

City Manager Morales stated that the City has an obligation to do the repairs, but he has spoken to Victor Diaz in UNIDAD, and they welcome greater participation by the City and suggested the City move its Senior program there, for example, and they are looking for further opportunities.

Commissioner Malakoff asked if the Senior Center was originally supposed to provide lunches for Seniors.

Mr. Morales explained that grants to provide meals were lost due to the delay in opening the building, and now, unfortunately, the application cycle does not come up for another year. With respect to other funding sources, UNIDAD's finalized audits issues are holding them up from applying. The City is looking into possibly applying for such meal grants, and using the funds at the Senior Center.

**2:45:57 p.m.**

R7O Create Property Assessed Clean Energy Program/Join Clean Energy Green Corridor Program, And Join Non-Exclusive Interlocal Subscription Agreement With PACE

1. A Resolution Creating A Property Assessed Clean Energy Program And Authorize The City To Join The Clean Energy Green Corridor Program In Accordance With Section 163.08, Florida Statutes; And Authorizing The City Manager To Execute A Membership Agreement Between The City And The Green Corridor Clean Energy Property Assessed (PACE) District, In Substantially The Form Attached Hereto As Exhibit "A."  
(Environmental)

**ACTION: Resolution 2016-29450 adopted.** See item heard in conjunction with R7O2. Motion made by Vice-Mayor Steinberg to move the item with a report to come back in at least six months; seconded by Commissioner Alemán; Voice vote: 7-0. **Elizabeth Wheaton to handle.**

**RECOMMENDATION:**

Bring report in six months - **Elizabeth Wheaton to handle.**

Provide community outreach program. **Elizabeth Wheaton and Tonya Daniels to handle.**

Elizabeth Wheaton, Environmental Department Director, introduced the item, which is an approval to establish Property Assessed Clean Energy model to finance energy efficient updates for both residential and commercial properties. The cost of improvements is added to a property's tax bill. There are a number of organizations that have created districts in which to operate these opportunities. They are recommending that the City move forward with two of these organizations; one is Ygrene **Energy Fund** of Florida, as well as Florida Case Funding Agency. She introduced Mr. Perez, representative for both programs.

Commissioner Alemán inquired as to whether or not these organizations can incorporate sea level rise accommodations in their portfolio of what these funds can be used for, which is for elevation of homes, increase in the rise of seawalls or any other remediation for sea level rise.

Rafael Perez, Ygrene **Energy Fund**, congratulated the City Commission and staff for a lot of hard work and added that Miami Beach will be the 24<sup>th</sup> City that joins their program in Miami-Dade County. They have done over \$60 million of work for over 2,200 projects, and this has been proven; they are in the tax rolls as well. In answering Commissioner Alemán's question, he stated that they would go back to the Florida Legislature and try to add water conservation and sea level rise to the scope. In this community, out of the 2,500 projects, 85% of them are roof and impact windows, so people are saving more than the financing cost; this is a win-win for them.

Senator Jeff Clemens is the Vice-President of the Wind Mitigation for the Florida Association for Insurance Reform. They see PACE as a vehicle for people to access dollars and be able to hardened their homes and lower their insurance rates. They advocate on behalf of all of PACE programs, and for the past year, they have been advocating on behalf of the Florida PACE Funding Agency, which has the largest service area in the State. They think it is a good thing for all consumers to have a multi-provider solution. The Florida PACE Funding Agency is ready to do work in Miami Beach along with folks from Ygrene **Energy Fund** of Florida.

Devesh Nirmul, Senior Director, Renew Financial, explained that their company assisted with the staff report and wanted to say that they are ready to move as well. There are over 30 jurisdictions currently with their program in Florida; they have 186 million completed throughout California, and are launching Florida. They are strong in consumer protection; he commended the City for their multiprogramming approach. Renew Financial would also like to get involved in the program.

Commissioner Rosen Gonzalez stated that this is a game changer and a win-win situation for the City. Those in good standing with their taxes will be able to finance 20% of the assessed value of their homes. They will be reaching out to the lobbyists to let them know that the PACE program needs resiliency issues as well.

Vice-Mayor Steinberg suggested moving the staff recommendation forward. She asked if this is an opt-in option for those residents.

Commissioner Alemán added that there is no cost or exposure to the City, but an overall benefit to the residents to this kind of financing.

Eve Boutsis, Chief Deputy City Attorney, explained that the only reason the State is involved is because to the program allowing residents to put it on the tax roll; and there is also the indemnifications and no personal liability on behalf of the City.

Discussion continued regarding benefits derived for residential and commercial establishments.

Commissioner Arriola suggested bringing back a report in one year and having an outreach program for residents to be notified.

Ms. Boutsis stated that there is a brochure and websites for residents to find out more information.

Elizabeth Wheaton is asking the company to work with their department in order to provide education outreach to the community, and they will work to have information on the website, so that residents can get clear information about the program.

Motion made by Vice-Mayor Steinberg to move the item with a report to come back in at least six months; seconded by Commissioner Alemán; Voice vote: 7-0.

**2:45:57 p.m.**

2. A Resolution Authorizing The City Manager To Execute And For The City To Join The Non-Exclusive Interlocal Subscription Agreement With The Florida PACE Funding Agency For An Initial Term Of Three Years Ending September 30, 2017; In Accordance With Section 163.08, Florida Statutes, In Substantially The Form Attached Hereto As Exhibit "A."

(Environmental)

**ACTION: Resolution 2016-29451 adopted.** See comments with related Item R7O-1. Motion made by Vice-Mayor Steinberg; seconded by Commissioner Alemán. Voice-vote: 7-0. **Elizabeth Wheaton to handle.**

**City Clerk's Note:** Item heard in conjunction with item R7O 1. See recommendations with R7O 1.

**3:03:20 p.m.**

R7P A Resolution Authorizing The Extension Of The Term Of The Loan In An Aggregate Principal Amount Not To Exceed \$60,000,000 Outstanding At Any Time From Wells Fargo Bank, National Association; Authorizing The Execution And Delivery Of Amended And Restated Loan Agreement And Promissory Notes In Connection With Such Extended Loan; Authorizing Other Actions In Connection With The Extended Loan And The Financing Program; And Providing For An Effective Date.

(Finance)

**ACTION: Resolution 2016-29452 adopted.** Motion made by Commissioner Malakoff; seconded by Commissioner Alemán. Voice-vote: 7-0. **Allison Williams to handle.**

Allison Williams, Chief Financial Officer, explained that the \$60 million represents a renewal in the line of credit that serves as financing until the City is able to go out for bonds or other long-term financing for Stormwater programs, water and sewer programs and other miscellaneous capital projects.

**3:04:17 p.m.**

R7Q A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Change Order No. 2, To The Design-Build Contract With David Mancini & Sons, Inc., For Design-Build Services To Include: 1) Additional Design, Permitting And Construction Services To Reconstruct 11<sup>th</sup> Street From Alton Road To Jefferson Avenue, And From Euclid Avenue To Washington Avenue; (2) Replacement Of Existing Water, Sewer, And Stormwater Infrastructure; (3) Street Improvements Relating To Elevating Final Grade, Upgrading Of Lighting, New Paving, And Landscaping; For A Cost Of \$8,862,635, Plus A 10% (\$886,263) Owner's Project Contingency; For A Grand Total Of \$9,749,898, Payable From Previously Appropriated Funding And Future Water/Sewer And Storm Water Bond Proceeds.

(Public Works)

**ACTION:** Item withdrawn.

Eric Carpenter, Assistant City Manager/Public Works Director, explained that there is a concern that needs to be resolved regarding the procurement process and whether or not there is an emergency related on this project. They need to ensure that they follow the guidelines of the Office of the City Attorney.

**3:04:46 p.m.****SUPPLEMENTAL MATERIAL 3: REVISED MEMORANDUM & RESOLUTION**

R7R A Resolution Accepting The Findings And Recommendation Of The City Manager In Certifying An Emergency Pursuant To Subsection 287.055(9)(c)(6)(a)(1), Florida Statutes, All As More Specifically Set Forth In This Resolution And The Accompanying Memorandum; And As Permitted Pursuant To Section 2-367(e) Of The City Code, Waiving, By 5/7 Vote Of The City Commission, The Competitive Bidding Requirement, Finding Such Waiver To Be In The City's Best Interest; Further, Approving And Authorizing The Mayor And City Clerk To Execute Change Order No. 8, In The Amount Of \$2,688,006, To Design-Build Contract (DBC) With Bergeron Land Development, Inc., Dated April 30, 2014 (The Agreement), Related To The Completion Of Roadway Improvements Along West Avenue, Between 6<sup>th</sup> And 8<sup>th</sup> Streets, And 10<sup>th</sup>, 14<sup>th</sup>, And 17<sup>th</sup> Streets, West Of Alton Road; Said Change Order No. 8, Providing For An Addition To The Scope Of Work To Include: Contaminated Soil Disposal, Street Lighting Adjustments, Roadway Adjustments, Additional Gravity Walls And Sidewalks, Drainage For Harmonization, Park Driveways, Landscaping, Re-Writing Lighting Specifications, Painting Of Fly-Over, And Associated Permitting.

(Public Works)

**ACTION: Resolution 2016-29453 adopted.** Item referred. Motion made by Commissioner Malakoff to adopt the Resolution and refer the item; seconded by Commissioner Alemán. Voice-vote: 5-2; Opposed: Vice-Mayor Steinberg and Commissioner Rosen Gonzalez. **Allison Williams to place on Committee Agenda. Eric Carpenter to handle.**

**REFERRAL:**

Change Orders protocol and policy discussion at Finance and Citywide Projects Committee

Mayor Levine asked the status of the bid protest.

Raul J. Aguila, City Attorney, informed that staff is recommending awarding the contract to DMSI. A bid protest was filed by Bergeron, which they have responded to and denied. Staff recommendation to award the contract to DMSI is valid, and they support that recommendation. Under the Code, they have responded to the bid protest and denied it. They are recommending proceeding to award the contract.

Mayor Levine stated that it is wrong for Bergeron to protest, and the fact that they are coming up to waive the bid on another item, he would not feel comfortable awarding Bergeron something on a change, assuming that they will be protesting someone else's bid, and he rather wait.

City Attorney Aguila explained that Bergeron submitted a protest that the City denied; if the City Commission wants to accept the City Manager's recommendation and award to DMSI, then Bergeron could pursue any remedy that they have in an action in Circuit Court. City Attorney Aguila believes their response is strong, and should Bergeron pursue this in court, which he thinks is unlikely, the City would prevail.

Mayor Levine stated that Mancini and Bergeron both do great work, and asked if they should wait for clarification on both of these items.

Eric Carpenter, Assistant City Manager/Public Works Director, stated that Bergeron is a contractor, and they will do everything they can to try to generate as much work as possible, but the City does not want to link the two, as the West Avenue project is ongoing, and the change order is needed to complete the project over the summer. He does not think there is a lot of merit to their bid protest. The Office of the City Attorney response was excellent and it would be foolish of Bergeron to pursue this further.



Mayor Levine asked if legally, contingent on getting a release from Bergeron, that they will not protest.

City Attorney Aguila spoke to Bergeron counsel, and after they received the City's response, it is conclusive that the City has the discretion to award the bid to DMSI, and the City Manager's recommendation is not arbitrary and capricious, which is the standard for overturning a bid protest. He added that had they intended to pursue this protest, their counsel would be in the audience today. He thinks Mr. Bergeron has filed this protest, made his argument in good faith, but he thinks their response is strong.

Commissioner Malakoff added that it is important to continue with West Avenue. She has been waiting for the painting of the flyover, lighting and landscape there.

Vice-Mayor Steinberg suggested coming up with another system regarding the Change Orders; she requested a referral to the Finance and Citywide Projects Committee to discuss Change Orders and the scope when items are bid out, so that they are properly bid from the start. With the referral, she will support the item.

Motion was made by Vice-Mayor Steinberg to refer the holistic conversation of Change Orders and the waiving of the bids when Change Orders are done to the Finance and Citywide Projects Committee. She wants to ensure they always do what they can to get the right amount of information to the public to get the job done. No second offered.

Discussion held.

Raul J. Aguila, City Attorney, announced that he had just spoken to Bergeron's counsel, regarding R7V, and they do not intend to pursue the protest. They accepted the City's denial of the protest.

Commissioner Malakoff moved to refer the discussion the protocol for future Change Orders to the Finance and Citywide Projects Committee; seconded by Commissioner Alemán.

**City Clerk's Note:** Item heard in conjunction with R7V.

**3:14:28 p.m.**

R7S A Resolution Amending The City's 2011 CDM-Smith Stormwater (Management) Master Plan Defining "Future Grade," And "Future Crown Of The Road;" Further Modifying Sections 2.5.3, Entitled "Proposed Level Of Service (LOS), And 9.2.5 Entitled "Seawall Heights," Of The 2011 SWMP, To Include Modifications To The Level Of Service For Construction Of Roads, Stormwater Systems, And Development To Reduce The Risk Of Flooding; A Copy Of Which Is Attached Hereto As Exhibit 1.

(Public Works/Office of the City Attorney)

**ACTION: Resolution 2016-29454 adopted.** Motion made by Commissioner Malakoff; seconded by Commissioner Grieco. Voice-vote: 7-0. **Eric Carpenter and Office of the City Attorney to handle.**

Eric Carpenter, Assistant City Manager/Public Works Director, introduced the item. This item is a companion to the Ordinances adopted on May 11, 2016 to amend Chapter 54 and Chapter 118 of the City Code, that identify some of the measures they will be taking to become more resilient to sea level rise. These Ordinances identify "Future Grade Elevation," which would be set by the "Crown Of Roads" that they will be raising. As part of the process, they needed to incorporate into

the Stormwater Management Master Plan the Resolution, so that each time that elevation may change, as they adapt over the years to come, that Ordinance will continue to progress as the City progresses in our resiliency efforts. Other items they hope to adopt into the Master Plan include the 3.7 Future Crown of Road elevation; the 3.7 Future Grade, defining what level of service is for roadway drainage system at a five year, 24-hour storm event, based on the South Florida Water Management District reports with a 1.25 safety factor, which means the City will be able to take a 7.5" rainfall event within 24 hours period into the City's Stormwater system without allowing the water to get above the Crown of Road. They are looking at setting the level of service for private properties at a five-year, 24-hour design storm, similar to the roadway. They are also incorporating the seawall heights discussed on prior occasions, but were never adopted into the Master Plan, where they are setting the minimum seawall heights at 5.7 feet for public seawalls and at 4 feet for private seawalls with the ability to extend to 5.7 feet with enough structural capacity to extend to 5.7 at a future date.

Commissioner Malakoff asked if the numbers are NAVD, and if the private seawalls are being brought up higher; if they go to four feet, they need to have the steel structure below, so they can have a cap to go to up to 5.7 feet in the future. This is good for 50 years. The 7-inch 24-hour Crown of the Road is a 20-year estimation.

Mr. Carpenter agreed with Commissioner Malakoff and added that the 7.5-inch rainfall in the 24-hour period can be equated either categorized as a five-year event, or slightly above that, based on their level of service, since they are keeping the flooding down within the confines of the road and below the Crown of Road elevation. It can be equated to a ten-year event, but they are saying that it is at five-year with not overtopping the Crown of Road. The Stormwater infrastructure in place is projected, based on the 20 to 50 range.

Discussion held.

Vice-Mayor Steinberg commended Commissioner Malakoff for doing her due diligence when it comes to these conversations.

**3:19:58 p.m.**

R7T A Resolution Approving A Perpetual Non-Exclusive Easement Between The City Of Miami Beach ("City") And The State Of Florida Department Of Transportation ("FDOT"), For The Purpose Of Constructing, Installing And Maintaining Drainage Improvements, Including But Not Limited To, A Pump Station, Drainage Structures, Electrical Panels And An Outfall Along 29<sup>th</sup> Street And Alton Road, A Copy Of The Easement Agreement Is Attached Hereto As Exhibit 1.  
(Public Works)

**ACTION: Resolution 2016-29455 adopted.** Motion made by Commissioner Alemán; seconded by Commissioner Arriola. Voice-vote: 7-0. **Eric Carpenter to handle.**

Jay Fink, Assistant Director, Public Works, explained that FDOT is planning to reconstruct Alton Road, from Michigan Avenue to 43<sup>rd</sup> Street. Construction will begin in November 2020; the project includes roadway reconstruction and drainage improvements from Stormwater pump stations, etc. One of the pump stations is proposed in the median of Alton Road north of 29<sup>th</sup> Street, which is within the public right-of-way, under the City's jurisdiction. Strong sewer system will extend west from that location to the bay, where an outfall will be constructed. FDOT is requesting a perpetual easement to work within the City's right-of-way for the construction of this portion of the project. The easement is about 12 feet wide of the length of 29<sup>th</sup> Street, and the entire easement contains approximately half an acre of land.

Motion made by Commissioner Alemán.

Vice-Mayor Steinberg stated that Alton Road is slated to come online soon, and asked if the timing of construction is being looked at. She is concerned that they may block major arteries such as Alton Road and 41<sup>st</sup> Street.

Mr. Fink apologized for not having the schedules; however, he knows that there are two phases.

Mayor Levine stated that this is a much lighter construction.

Commissioner Malakoff stated that they spent much time discussing streetcars and light rail, and part of this is on Alton Road. She asked if the raising of Alton Road would be done prior to the laying down of tracks for the light rail or streetcars.

Discussion continued.

Kathie G. Brooks, Assistant City Manager, explained that the streetcar light rail project is south of Michigan Avenue, and this project is from Michigan, which is the next one north from 20<sup>th</sup> Street.

**3:23:20 p.m.**

**SUPPLEMENTAL MATERIAL 1: REVISED MEMORANDUM & RESOLUTION**

R7U A Resolution As It Pertains To The City Construction Project Referred To As The “Indian Creek Drive/State Road (SR) A1A, 26 Street To 41 Street - Flooding Mitigation Project” [Hereinafter “Project”], And, With Respect To The Project, Accepting The Findings And Recommendation Of The City Manager Certifying A Valid Public Emergency Pursuant To Subsections 287.055(3)(a)(1) And (9)(c)(6), Florida Statutes; And, As Permitted Pursuant To Subsection 2-367(e) Of The City Code, Waiving, By 5/7<sup>th</sup> Vote, The Competitive Bidding Requirement Relating To This Procurement, Finding Such Waiver To Be In The Best Interest Of The City, And Authorizing The City Manager To Negotiate A Professional Services Agreement With Ribbeck Engineering, In An Amount Not To Exceed \$407,851, For The Preparation Of A Design Criteria Package (DCP) And Conceptual Plans Which Complies With The Specifications Set Forth Under Section 287.055(2)(j), Florida Statutes.

(Public Works)

**ACTION: Resolution 2016-29456 adopted.** Motion made by Commissioner Malakoff; seconded by Commissioner Arriola. Voice-vote: 6-1; Opposed: Commissioner Rosen Gonzalez. **Eric Carpenter to handle.**

Jay Fink, Assistant Director, Public Works, introduced the item. He explained that due to the complexity and the urgency of the project, the Administration recommends engineering engaging Ribbeck Engineering, Inc., for developing the design criteria package. Currently Ribbeck is not a City engineering firm on their locational basis; however, the firm is experienced in working under FDOT contracts in the current year, and this Resolution would approve the same engineering firm, under the same terms and conditions and hourly rate as were negotiated with FDOT, and apply it to the City.

Discussion held.

Commissioner Rosen Gonzalez does not believe this should be deemed an emergency as Indian Creek has always flooded, at least for the past 50-70 years in an exaggerated manner.

Commissioner Malakoff inquired if landscaping is included in order for the public not to see the wall. Landscaping is a very important part of the City.

Mr. Fink explained that there will be some level of landscaping; this item starts the Design Criteria Package. In answering Commissioner Alemán's question, he answered that they are waiving the engagement of the engineering, as this would take months to do if they go through the procurement process.

Commissioner Arriola deems this an emergency item, regardless of how long the street has been flooding for.

Mayor Levine asked Commissioner Malakoff her opinion about the flooding on Indian Creek experienced recently

Commissioner Malakoff stated that in her many years living in Miami Beach, she has never seen Indian Creek flood to the levels that have occurred in the last two or three years, and it shows how the sea level is rising.

City Manager Morales agreed with Commissioner Malakoff that the level of flooding being experienced at Indian Creek is unprecedented.

**3:14:13 p.m.**

R7V A Resolution Accepting The Recommendation Of The City Manager To Award, Pursuant To Request For Proposals (RFP) No. 2016-042-KB, Design/Build Services For The Stormwater Pump Station At The Northeast Corner Of Convention Center Drive, To David Mancini And Sons, Inc. (DMSI), With The Guaranteed Maximum Price (GMP) Of \$5,398,019.00; And Further Authorizing The Mayor And City Clerk To Execute A Design Build Agreement With DMSI; Which Agreement Is Attached Hereto As Exhibit 1.

(Procurement/Public Works)  
(Deferred from May 18, 2016 - R7E)

**ACTION: Resolution 2016-29457 adopted.** Motion made by Vice-Mayor Steinberg; seconded by Commissioner Alemán. Voice-vote: 7-0. **Alex Denis and Eric Carpenter to handle.**

**City Clerk's Note:** Item heard in conjunction with R7R. See discussion in item R7R.

Handouts or Reference Materials:

1. Letter via Email dated May 31, 2016 to [jgoldstein@shutts.com](mailto:jgoldstein@shutts.com) to Joseph M. Goldstein, RE: Protest Filed Pursuant to Award Recommendation on RFP 2016-042-KB, For Design/Build Services for Stormwater Pump Station at Northeast Corner of Convention Center Drive (the "RFP").

**3:28:12 p.m.**

R7W A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee To Establish An Enhanced Transportation Plan Pilot Program For Special Events Including Remote Parking Locations, Shuttle Service, And Water Taxi Service.

(Transportation)

**ACTION: Resolution 2016-29458 adopted.** Motion made by Vice-Mayor Steinberg; seconded by Commissioner Grieco. Voice-vote: 7-0. **Jose Gonzalez and Max Sklar to handle.**

Jose Gonzalez, Transportation Director, introduced the item. Many ideas were generated out of the Transportation Workshop. Last month some of those initiatives and ideas were discussed at Neighborhood/Community Affairs Committee (NCAC) and one of those initiatives was establishing transportation plans for special events, with the goal of reducing the number of cars traveling into the City during special events from the causeway. One of the proposals is to provide parking in remote locations outside the City limits and then provide public transportation to and from those parking locations to the event. They are recommending identifying a suitable event as a model and transmitting the results via LTC.

Vice-Mayor Steinberg stated that this was a no brainer and she moved the item.

**3:30:34 p.m.**

R7X A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee To Establish More Aggressive Requirements For Developers To Provide Employee Transportation Plans And To Refer This Matter To The Land Use And Development Committee For Further Discussion And Input.

(Transportation)

**ACTION: Resolution 2016-29459 adopted.** Item referred to LUDC. Motion made by Commissioner Malakoff; seconded by Commissioner Steinberg. Voice-vote: 7-0. **Thomas Mooney to place on the Committee Agenda. Jose Gonzalez to handle.**

**REFERRAL:**

Land Use and Development Committee for further discussion and input.

Commissioner Grieco stated that this is the next progression from the parking plans already required of the developers. When there is a new project that exceeds over \$250,000, before building plans are approved, a builder or developer needs to submit a parking plan for the workers, and this is the next step, which is developing an actual transportation plan. They should have a high threshold as to the requirements that they need to meet.

Jose Gonzalez, Transportation Director, clarified that this item pertains more to development, and not necessarily to construction workers (See Item R7Y), but more so for employees to take transit, to commute and carpool, etc. It is geared more to those types of initiatives that they would like to establish by Ordinance.

**3:33:23 p.m.**

R7Y A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee To Expand The City's Current Construction Parking Plan Requirements To Include Construction Transportation Plan Requirements.

(Transportation)

**ACTION: Resolution 2016-29460 adopted.** Motion made by Commissioner Grieco; seconded by Commissioner Alemán. Voice-vote: 7-0. **Jose Gonzalez to handle.**

Commissioner Malakoff stated that this is for construction projects over \$250,000. She asked if this is for single-family homes as well.

Jose Gonzalez, Transportation Director, recommended establishing requirements by Ordinance and answered that all single family homes will also have a construction parking plan.

Commissioner Grieco stated that this \$250,000 threshold is already in the Code; however, any project over that amount has to submit a parking plan, which could be that if the property is big enough, workers can park on the property; it is not something that is completely draconian.

Discussion held regarding the dollar threshold that will trigger this and parking plans for private construction areas.

Commissioner Malakoff suggested that construction companies be responsible for restoring damages to the swale area where construction is taking place; this is an expense for the City or never taken care of.

Commissioner Alemán recently inquired about the same subject; a very common complaint, and Hernan Cardeno, Code Compliance Director, explained to her that there is already such a requirement in the Code, but not many residents know. If such damage to the plants in the swale does occur, it should be reported to Code Compliance.

Vice-Mayor Steinberg asked when other workers are doing yard maintenance and park on the swales, if Code can also look at that.

**3:37:11 p.m.**

**ADDENDUM MATERIAL 1**

R7Z A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Firms, Pursuant To The Request For Proposals (RFP) No. 2016-086-WG For Health Plan Services And Benefits For The City Of Miami Beach Active Employees, Dependents, Pre-65 Retirees, And Post-65 Retirees And Authorizing The Administration To Negotiate With The Following Proposers In The Following Categories Of Health Plan Services: Cigna Health And Life Insurance Co., As Top-Ranked Proposer For Medical Administrative Service Only And Pharmacy Services; Symetra Life Insurance Co., As Top-Ranked Proposer For The Reinsurance/Stop Loss Services; And Cigna Health And Life Insurance Co., As Second-Ranked Proposer For The Employee Assistance Program; And Further Authorizing The Mayor And City Clerk To Execute Agreements Upon Conclusion Of Successful Negotiations With The Administration.

(Human Resources)

**ACTION: Resolution 2016-29461 adopted.** Motion made by Commissioner Alemán; seconded by Commissioner Malakoff. Voice-vote: 7-0. **Sylvia Crespo-Tabak to handle.**

Sonia Bridges, Human Resources Risk Management Division Director, introduced the item and explained the proposals received from top carriers. Currently they have two carriers, Humana and to allow employees to have choices, they were able to bring Av-Med to service employees. Those agreements expire on September 30, 2016. Proposals were received from the five top national carriers. The City Manager appointed a committee and they made a recommendation for the top ranked health carrier, Cigna.

City Manager Morales stated that historically the City only has had one carrier, but following the direction of the City Commission, optional health plans are available, and Cigna offers full coverage. The Administration recommends this.

Vice-Mayor Steinberg stated that his has nothing to do with the Wellness Program recently introduced by the City, which is managed through Humana Vitality, and this will not be discontinued.



Ms. Bridges explained that the Humana Vitality is a five-year agreement program, separate from this item.

### **R9 - New Business and Commission Requests**

R9A Board And Committee Appointments.

(Office of the City Clerk)

**ACTION:** The following appointments, reappointments and changes were made:

#### **AFFORDABLE HOUSING ADVISORY COMMITTEE**

Pilar Carvajal, Category (1) TE 12.31.16 TL 12.31.21

Appointed by City Commission

#### **BEACHFRONT MANAGEMENT PLAN AD HOC COMMITTEE:**

Christian Lambright	FLA Dept./Environmental Protection Coastal Construction Control Line	TE 05.31.17
Daniel Kipnis	Marine & Waterfront Protection Authority Chairman	TE 05.31.17
Elizabeth Wheaton	Environmental & Sustainability Division	TE 05.31.17
Greg Guannel	The Nature Conservancy Urban Construction Director	TE 05.31.17
Lisa Spadafina	Miami-Dade County's Beach Nourishment Program	TE 05.31.17
Max Sklar	Tourism, Culture & Economic Development Director	TE 05.31.17
Michael Grieco	Local Elected Official	TE 05.31.17
Sean Leather	Miami-Dade County's Beach Operations	TE 05.31.17
Steve Boucher	Boucher Brothers Appointee	TE 05.31.17
Steve Vincenti	Sustainability Committee Member	TE 05.31.17
Vincent Canosa	Ocean Rescue Division Chief	TE 05.31.17

#### **COMMITTEE FOR QUALITY EDUCATION IN MIAMI BEACH**

Beverly Heller	North Beach Elementary Representative
Faiza Liban	South Pointe Elementary Representative

#### **POLICE/CITIZENS RELATIONS COMMITTEE**

Suzan Speiser	TE: 12/31/17 TL: 12.31.21
Leslie Collier	Resigned 5/17/2016

Appointed by Commissioner Rosen Gonzalez

#### **TRANSPORTATION, PARKING, BICYCLE-PEDESTRIAN, FACILITIES COMMITTEE**

Richard Streim	TE 12.31.17 TL 12.31.23	Appointed by Vice-Mayor Steinberg
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#### **Liaison Appointments**

Cintya G Ramos	Budget Advisory Committee
Allison Williams	Finance and Citywide Projects Committee

#### **NON-CITY COMMISSION COMMITTEES:**

#### **MIAMI DESIGN PRESERVATION LEAGUE, INC. (MDPL) EXECUTIVE COMMITTEE**

Tanya K. Bhatt	TE: 04.01.17 TL: 12.31.17	Appointed by City Commission
Stacy Kilroy	TE: 04.01.17 TL: 12.31.17	Appointed by City Commission
Jamie Straz	TE: 04.01.17 TL: 12.31.17	Appointed by City Commission

TE: Term Ending  
TL: Term Limit

**Handouts or Reference Materials:**

1. Email from Commissioner Rosen Gonzalez dated May 17, 2016 RE: Resignation from Police Citizens Board.
2. Email from Margarita Wells dated May 31, 2016 RE: Board and Committee Report – pending Beachfront Management Ad Hoc.
3. Email from Elizabeth Wheaton dated June 1, 2016 RE: Board and Committee Report – pending Beachfront Management Ad Hoc.
4. City Commission At-Large Nominations for June 8, 2016 – Release #1.

R9A1 Board And Committee Appointments - City Commission Appointments.  
(Office of the City Clerk)

**ACTION:** No appointments were made.

**4:03:11 p.m.**

R9A2 Three (3) Available City Appointments To The Miami Design Preservation League, Inc. (MDPL) Executive Committee.

(Office of the City Manager)  
(Deferred from May 11, 2016 - R9A2)

**ACTION:** Tanya K. Bhatt, Stacy Kilroy and Jamie Straz were appointed to the The Miami Design Preservation League, Inc. (MDPL) Executive Committee.

Rafael E. Granado, City Clerk, read the name of nominees into the record. He explained that there are four nominees and three vacancies.

**NOMINEES:**

Tanya K. Bhatt - Nominated for appointment by Commissioners Rosen Gonzalez and Alemán.

Raelene Mercer - Nominated for appointment by Commissioner Rosen Gonzalez.

Jamie Straz - Nominated for appointment by Commissioner Alemán.

Stacy Kilroy - Nominated for appointment by Commissioners Alemán and Malakoff.

**APPOINTMENTS MADE:**

Tanya K. Bhatt - appointed by acclamation.

Stacy Kilroy – appointed by acclamation.

A vote was taken for the remaining seat. The remaining nominees are Raelene Mercer and Jamie Straz. Voice-vote as follows:

- Raelene Mercer received three votes: Vice Mayor Steinberg and Commissioners Rosen Gonzalez and Grieco.
- Jamie Straz – received four votes: Mayor Levine and Commissioners Alemán, Arriola, and Malakoff.

Mr. Straz is appointed.

City Clerk's Note: Vote verified via video.

Handouts or Reference Materials:

1. City Commission At-Large Nominations for June 8, 2016 – Release #1.

**8:34:11 a.m.**

R9B1 Dr. Stanley Sutnick Citizen's Forum. (8:30 a.m.)

**ACTION:** The following individuals spoke:

1. Reverend Harold Thompson, on behalf of Miami Beach Congregational Church, supports the City Commission action to prohibit conversion therapy, as he has seen the damaging results of these types of therapy with very negative effects on some individuals. He thanked the City for their commitment. See item R5D.
2. Daniel Ciraldo, on behalf of Miami Design Preservation League, invited everyone to their annual meeting on June 8, 2016, at 7:00 p.m., Mr. Ciraldo announced that the meeting is open to the public and hopes to see everyone there.
3. Mitch Novick expressed concerns for three palm trees that are now missing from his neighborhood. Mr. Novick said the trees were planted in designated palm tree islands constructed about eight years ago, as part of a capital improvement project. They also completed improvements that included similar palm tree island configurations. He served on the G.O. Bond Oversight Committee and the Historic Preservation Board, which approved the capital improvement project. He wrote to get clarification on the City's position regarding palm tree replacement in the MXE District. The Green Space Manager concluded that these palm trees could no longer be replaced based on pedestrian and vehicular safety concerns. The Green Space Manager flipped his position arbitrarily four different times on this matter. On December 22, he advised that a palm tree had fallen due to a truck hitting it. He also advised palm fronds began growing between utilities and were cut down at Collins Avenue. A third palm tree on Ocean Drive had succumbed to illness and after removal, only mulch remained at the tree island. Mr. Novick was offended by the reply of the City regarding the issue.

Eric Carpenter, Assistant City Manager/Public Works Director, stated that this is an ongoing issue on Collins Avenue, based on a poor design and poor tree selection; it is creating a safety issue. The City is looking at other alternatives, but ultimately they may need to look at other planting locations that are more appropriate.

Mr. Novick responded by stating he urges the City to address the issue quickly and does not agree that there is a safety concern. He asked that they refer to his emails and photographs submitted.

Mr. Carpenter disagreed that it is not a safety concern.

4. Kirk Pascal spoke regarding the North Beach Master Plan presentation, where there were over 200 people present; he commended the City on the good job thus far on this and he hopes the item moves forward. In regards to the skate park (Item R9L) in North Beach, the question pertains to the location. At workshop last week, they discussed the North Shore Open Space Park, 72 to 73 Streets and the West Lots, and all other locations, except for North Shore Open Space Park, were discouraged. He does not understand why the West

Lots are being discouraged if they are sitting vacant. He spoke on the 72<sup>nd</sup> Street height increase, (Item C4P), and asked if they are looking at instituting a balance embracing historic preservation, and what impact does it have with height increase. Lastly, regarding Ocean Terrace, (Item R5H), he met with Cesar and Sandor, but in moving forward with the height there were key conditions presented to the community and he feels they are not sufficiently guaranteed by virtue of what is written in the language. How do they guarantee those, such as the active use on the street level of Ocean Terrace, since the community has asked for restaurants and vibrancy rather than hair salons, etc. They need to succeed on this. The MiMo façades are all contributing structures and he hopes that the developer will rebuild. Hotel use for the Days Inn and the Ocean Surf are not guaranteed; if those buildings are converted to condominium, the vibrancy disappears. Lastly, the feasibility for someone to put another tower south of St. Tropez, and what would be the impact of that.

5. Tanya K. Bhatt echoed Kirk Pascal's comments and added that she is here to support the temporary moratorium Ordinance. See item R5G. She read her notes into the record.
6. Mitchell Wentworth stated that he put surveillance cameras in front of his shop and the videos mostly consist of fights in front of the store, theft and fraud. He added that the homeless issues aggravate his business. As past member of the Lincoln Road Association, he asks at what point do their rights begin or end, and at what point his rights begin? He added that he is not in favor of the Living Wage Ordinance. (Item R5F) He also explained the problems with towing and lack of signage.

Vice Mayor Steinberg suggested Maria Ruiz to address his concerns. **Maria Ruiz to handle.**

City Manager Morales explained that the homeless issue is a national epidemic and they are working with departments to see what tougher measures they can adopt. It is a complex issue. This will be further discussed during the upcoming budget process.

Commissioner Grieco stated that other business owners have complained of the same issue, and Police visibility is the answer. In New York's Times Square, there is plenty of Police visibility. If people are committing criminal behavior, this needs to be addressed. Everyone needs to recognize that taxpayers' funds must go towards Police visibility.

Clerk's Note: Mitch Wentworth is the co-owner of Fritz's Skate Bike & Surf at 1620 Washington Avenue.

Mitch Novick added that there was a brawl in front of his hotel in Ocean Drive and it is appalling. He suggested changing the zoning to stop this from happening. His issue is the lawlessness that is pervasive throughout, and he urged that they deal with the zoning, noise and running back closing time.

**1:04:41 p.m.**

R9B2 Stanley Sutnick Citizen's Forum.

**ACTION:** The following individuals spoke:

1. Suzanna Maroda-Rivera, Disability Access Committee member, showed videos of her experience using the proposed trolleys that the City is considering using as replacement for the South Beach Local. She expressed her concern and stressed that it would be difficult for people with disabilities to access the trolley. The South Beach Local is accessible.

Vice-Mayor Steinberg added that this issue would be discussed today (Item R9G) and added that the County has discontinued the South Beach Local. She directed Jose Gonzalez to explain.

Ms. Maroda-Rivera spoke to several elderly people and mobility impaired individuals who live in South Beach, and they have indicated that they will not ride the trolley because of the mobility concerns.

Jose Gonzalez, Transportation Director, explained that the South Beach Local is operated by the County, the agreement is due to terminate on February 2017; and they have been working with Miami-Dade Transit to develop a route and service plan to replace the South Beach Local with the South Beach Trolley, pursuant to Miami Beach City Commission direction.

2. Captain Dan Kipnis asked if there is going to be a discussion regarding the quality of water. See item R9H.
3. Carolina Jones, Stillwater Drive, stated that the skate park (Item R9L) has overwhelming community support for the all-wheel track; it is a family amenity that they deserve and have awaited for a long time. They have three choices, and the only mistake would be not to choose one. She encouraged the City Commission to move forward with a skate park. She also spoke on Ocean Terrace (Item R5H). Last night the Master Plan draft came out; two issues the community made include the walkability and a revitalized retail and restaurant area, both of which are included in the plan. The new plan has a unified vision for the block with greater setbacks, but the important part is that it does not strip away any of the community benefit projects, such as the walkability, parking, and hidden loading zones. The tower derives benefit to the community and she understands the concerns. The tower is the candle that pays for the cake. She asked Commissioner Rosen Gonzalez to step up and stand for the greater community good, and a broader community benefit that this project achieves. She urged the City Commission to support the item.

**1:17:24 p.m.**

**ANNOUNCEMENT:**

Commissioner Malakoff stated that she was honored yesterday to be at the Miami Beach High School graduation at the Fillmore/Jackie Gleason Theatre; it was a wonderful class of wonderful people and it says so much about our community. The Superintendent of Schools and the entire feeder pattern were there; they talked about scholarship moneys and universities/colleges where the graduates will be attending, and this is all through the public education system of the City of Miami Beach. She is very proud of all the graduates and her Alma Matter.

**1:18:22 p.m.**

**RECESS ANNOUNCED:**

Vice-Mayor Steinberg called for a five-minute recess.

R9C Referral To The Planning Board - Proposed Ordinance Amendment Pertaining To CD-2 Height And Setback Requirements In The Sunset Harbor Area.

(Sponsored by Commissioner Joy Malakoff)

(Legislative Tracking: Planning)

(Deferred from May 11, 2016 - R9C)

**ACTION:** Item withdrawn by Commissioner Malakoff.

Handouts or Reference Materials:

1. Email from Eve Boutsis, dated June 6, 2016 RE: Sunset Harbour.

**3:39:50 p.m.**

R9D Discussion Regarding The Collins Park Parking Garage Project.  
(Capital Improvement Projects)

**ACTION:** Discussion held. Item referred to the Finance and Citywide Projects Committee. Motion made by Commissioner Arriola; seconded by Commissioner Grieco to refer to **July 22, 2016** Finance and Citywide Projects Committee. **Allison Williams to place on the Committee Agenda. Kathie G. Brooks to handle.**

**REFERRAL:**

**July 22, 2016** Finance and Citywide Projects Committee

Jimmy L. Morales, City Manager, stated that the City Commission earlier today approved the RFQ for architectural and engineering design criteria professional services for mixed-use parking garages. (See Item C7K) Late yesterday, the City Manager received an unsolicited proposal for the Collins Park Arts Garage, which proposes a mixed-use garage, artists housing, retail, a potential hotel component and at no cost to the City, which translated into a cost savings of \$27 million to the City. On a preliminary basis, this is something worth exploring and the City Manager asked for direction to come back perhaps in July with additional information and recommendation. The proposer is also proposing to include a senior housing building in the adjacent property, and that puts them in a unique position.

Vice-Mayor Steinberg stated that there might be an opportunity to open this up for bidding to get the best proposal for the location. Where there is interested by one unsolicited bidder, there are likely more entities interested.

Discussion held.

Michael Llorente, representing Collins Park partners, explained that they are proposing for the City to consider this as an alternative to the design build and procurement process, and instead of going through a P3 procurement process, which is open to anyone. The team owns the building adjacent to the surface lot, and they asked that they come back in July with a recommendation. He added that his client would provide affordable housing at that building, and part of the program involves keeping and taking care of the current residents.

Commissioner Arriola is happy to refer this item to the Finance and Citywide Projects Committee.

Mayor Levine asked what happens to the seniors currently living in this rent subsidized private building.



Mr. Llorente explained that the building is privately owned housing and there are government funding included. The affordability period is expiring, so traditionally, the building would convert from affordable housing to market rate; however, they are proposing to take care of the current tenants, work them into the program to make sure they are protected and continue having affordable housing at that building or anywhere else the City directs.

Commissioner Rosen Gonzalez stated that the building in question is in bad state of repair.

Discussion held regarding the potential of a hotel.

Raul J. Aguila, City Attorney, stated that since it is an unsolicited proposal, 1) the City could go through the brief process and solicit other proposals; 2) not entertain the proposals or go for an RFQ; or 3) do nothing.

Mayor Levine stated that they should get competitive and have other companies design.

Commissioner Malakoff is agreeable to sending this item to the Finance and Citywide Projects Committee for further exploration.

Discussion held.

Motion made by Commissioner Arriola; seconded by Commissioner Grieco to refer to the Finance and Citywide Projects Committee.

City Manager Morales suggested referring the item to the **July 22, 2016** Finance and Citywide Projects Committee meeting.

Handouts or Reference Materials:

1. Collins Park Arts Garage – An Unsolicited Proposal. Submitted to the City of Miami Beach under Florida Statute 287.05712.

**3:49:59 p.m.**

R9E Discussion Regarding A Crosswalk At Alton Road And 9<sup>th</sup> Street.  
(Transportation)

**ACTION:** Discussion held. Item approved by acclamation to move forward to be able to prepare the drawings and host a public meeting. **Jose Gonzalez to handle.**

Jose Gonzalez, Transportation Director, introduced the item and stated that staff worked with the Florida Department of Transportation (FDOT) and said that per FDOT, the numbers are there to warrant a crosswalk; however, there are geometric challenges with that intersection. FDOT is asking the City to take the lead on the crosswalk idea, develop a design for the crosswalk and changes needed at that location, as well as conduct a public hearing.

Commissioner Grieco asked for support from the City Commission to provide direction for the Transportation Department to move forward to ensure pedestrian safety at that intersection.

**3:54:06 p.m.**

R9F Discussion To Approve Interim Improvements To 72<sup>nd</sup> Street, Between Abbott Avenue And Dickens Avenue.

(Transportation)

**ACTION:** Discussion held. **Jose Gonzalez to handle.**

**DIRECTION:**

Angled parking

Signage and paint crosswalk in the interim for safety enhancement

Vice-Mayor Steinberg explained that this is an area in North Beach where she feels that improvements are needed, such as including crosswalks and changing parking to angled parking to create additional spaces.

Jose Gonzalez, Transportation Director, introduced the item, sponsored by Vice-Mayor Steinberg, and explained that they have developed a plan to reconfigure the parking from parallel to angle; this would have impact on the swale area on the north side of 72<sup>nd</sup> Street, as well as the protected bike lane as it is proposed in the Bicycle-Pedestrian Master Plan.

Josiel Ferrer, Transportation Manager, stated that currently they have oversized lanes that are about 20 feet wide with parking on both sides. There is existing space to bring in angled parking to help the parking in the area. CIP is undertaking a project of renewing the parking lot next to the North Shore Youth Center, but there is no growth in parking there. They are trying to augment the parking in the area. They were able to bring in concepts, and have actually included angled parking adjacent to the parking lot. This could not be continued past the entrance of the parking lot, because there are buses currently operated by the Parks Department, that park east of the parking lot entrance, so they cannot accommodate angled parking there, but in coordination with CIP, they think it could be done short-term by adding a couple feet of sidewalk to the side adjacent to the parking lot in order to fit the wheel stops and still have ADA accessible space.

Vice-Mayor Steinberg explained that one of the reasons they are redoing the parking lot to the North Shore Youth Center was the rating of that as part of the plan, and they were going to look to see the life of what it would be for that parking lot versus the on street raising.

Eric Carpenter, Assistant City Manager/Public Works Director, informed that they have put that parking lot on hold at this point in time, as along with other surface lots, they are reassessing, so the project is on hold. This is part of the North Shore Neighborhood Improvement project, to be completed 18 to 20 months from now.

Commissioner Alemán stated that there are no crosswalks, it is incredibly dangerous there, and there is plenty of space on the length of the road for angled parking, which is sorely needed; she suggested simply painting the lanes to improve the usefulness of the parking.

Discussion held.

PowerPoint presentation and video shown. Click [here](#) to access.

Mr. Gonzalez clarify the timing of the implementation, the angled parking is something they could do quickly; however, the crosswalk, they are recommending an enhanced crosswalk that would require bulb outs. This would have an RRFB (Rapid Rectangular Flashing Beckons "LEED"), and to accommodate those within the right of way, it would be best to install bulb outs.

Discussion continued regarding safety enhancement.

Mr. Diaz added that in the interim, they could have an enhanced crosswalk painted with signage, and there was consensus at the dais to do this.

Discussion held regarding the use of buses parked along the Youth Center.

John Rebar, Parks and Recreation Director, advised that the Parks and Recreation buses are used especially during the school year, every day to bring children to the after care programs, and in the summer, they are used for field trips.

Commissioner Alemán suggested parking the buses at night in a nearby public parking lot so more parking can be utilized. **Saul Frances and John Rebar to handle.**

**4:05:43 p.m.**

R9G Discussion Regarding The Neighborhood/Community Affairs Committee's Desire To Incorporate Low-Floor Trolleys To Improve Accessibility For Seniors And The Disabled For The North Beach, Mid Beach, And Collins Link Trolleys.

(Sponsored by Vice-Mayor Micky Steinberg)  
(Transportation)

**ACTION:** Discussion held. Motion made by Commissioner Grieco to select Option 1; seconded by Vice-Mayor Steinberg; Voice-vote: 7-0. **Jose Gonzalez to handle.**

**OPTION 1:**

Incorporation of partial low-floor trolley vehicles in North Beach Trolley loop, Middle Beach Trolley loop, Collins and Alton-West loop.

**RECOMMENDATION:**

Order the low floor trolley vehicles for South Beach

Vice-Mayor Steinberg introduced the item and explained the complaints expressed by some seniors of lack of accessibility.

Jose Gonzalez, Transportation Director, clarified that they received previous direction from the City Commission to move forward with the South Beach Trolley, and it is not part of this item. They are in the process of having the trolley vehicles manufactured. This item addresses the North Beach, Mid Beach and the Collins Link trolley, also pursuant to previous City Commission directive. These are high-floor vehicles and have a series of steps; they are fully ADA accessible via a hydraulic wheelchair lifts. They are in the process of replacing the North Beach trolley vehicles and having 14 new vehicles manufactured to serve the North Beach loop, the Mid Beach loop, and the Collins link. These are similar to the Alton-West vehicles that have a rear-end wheelchair lift. They have tried to address the Disability Access Committee concerns and install intercoms on all the high-floor trolleys, so that the disabled passenger can communicate with the driver. They have also provided a series of different options for discussion, to determine how to best move forward on the issue.

**Option 1 – Incorporating Low-Floor Trolleys Into The Fleet**

Option 1 incorporates a partial low floor trolley into the loop, or swapping out some of the high floor vehicles with low floor trolley vehicles, which they would need to purchase. The estimate cost is approximately \$7.1 million annually, which represents an increase of \$750,000 annually in the City's trolley budget. They recommend that approximately 50% of the vehicles in each route

be replaced, in order to maintain no more than 30-minute headways for disabled passengers. The low floor vehicles would have their own branding, and through the Mobile App, a disabled passenger would be able to tell when the next low-floor trolley would be arriving. Time is of the essence on the item, in order to secure the manufacturing of the trolleys in a timely manner. The trolley operator has already paid a deposit on the high floor trolleys, representing 5% of the 14 vehicles, which is estimated at about \$123,588.

### **Option 2 - Replacement Of High Floor With Low Floor Trolleys**

Option 2 is replacement of high floor with low floor trolleys in the North Beach, Middle Beach and Collins Link, under the current contract with Limousines of South Florida. This option would require an amendment to the contract, and if selected, the City would have to reimburse Limousines of South Florida for the deposit paid or any other ancillary costs incurred by the trolley operator. The incorporation of low floor trolley vehicles into the loops is estimated to result in an increase of about \$1.6 million in the budget annually for a total of about \$8 million per year. They would additionally have some exposure with early contract termination, or termination for convenience, which would result in the City having to pay for the unamortized cost of the North Beach trolley vehicles still in service, at an estimated cost of \$580,000, as well as the cost for the 14 new vehicles already ordered and in production, which would be approximately \$123,500. Assuming the low floor vehicles are ordered this month, they would anticipate service sometime between spring and summer of next year, and that Option would delay the implementation of the Mid Beach.

### **Option 3. Terminating current contract with LSF and competitively procuring Turnkey Trolley Operations and Maintenance Services for North Beach Trolley loop, Middle Beach Trolley loop, and Collins Link**

Should the City Commission believe that low-floor trolley vehicles are critical for the service, the Commission may elect to consider terminating the existing agreement for convenience and reissuing a bid to competitively procure Turnkey Trolley Operations and Maintenance Services for North Beach Trolley loop, Middle Beach Trolley loop and Collins link given that LSF does not have experience with the operation of low-floor trolley vehicles and staff cannot provide supportive analysis for the hourly rate proposed by LSF for operation of low-floor trolley vehicles. Please note that issuing a bid will delay delivery of the vehicles for the Middle Beach Loop and Collins Link from approximately September 2016 to June 2017. This timeline is based on issuing a bid in June and bid award in July 2016. Similarly to Option 2 above, early contract termination (i.e., termination for convenience) would result in the City paying LSF for the unamortized cost of the North Beach trolley vehicles (approximately \$580,000) as well as cost incurred to date for the 14 new vehicles which have been ordered and are currently in production (including but not limited to deposit of \$123,587.80). Thus, the City's exposure is estimated to be over \$700,000 if this option is selected.

### **Option 4. Providing on-demand service for passengers in wheelchairs**

As an alternative, the City could consider providing an on-demand transportation service for passengers in wheelchairs. The City of Miami is currently providing similar services and is in the fourth year of a contract with Transportation America (TA). Per input staff received from TA and City of Miami, the cost of each trip is \$24.39 for wheelchair. The service hours are Monday through Friday 8:00 AM to 5:00 PM. The service is at no cost and users are required to register. Given the number of current wheelchair passengers on the North Beach loop, and assuming proportional wheelchair passenger demand on the Middle Beach Trolley loop and Collins Link, this option would result in an annual cost of approximately \$79,000. This represents an annual savings of approximately \$1,500,000 in comparison to implementation of low-floor trolley vehicles

as described in Option 2 above and a savings of approximately \$700,000 per year in comparison to Option 1 described above. Nevertheless, it is important to note that potential demand for this on-demand service in the future may be higher in comparison to current wheelchair passenger demand on the trolley service as service would not be limited to operating exclusively along trolley routes. Additionally, the service hours would most likely have to be the same as the trolley operating hours.

Commissioner Grieco is in favor of Option 1.

Commissioner Malakoff recommended, since the South Beach trolleys have not been ordered, to order the low floor trolley vehicles directly for South Beach.

Commissioner Rosen Gonzalez suggested charging a fee to tourists or visitors.

Discussion held regarding referral to Finance.

David Kelsey spoke.

Kathie G. Brooks, Assistant City Manager, explained that the existing trolleys are higher; the ones coming up in January are similar to the County buses, and it would still require a wheelchair lift. Option 4 provides for wheelchair specific services to the disabled. She stated that given the decision made in January, which was to go with the lower trolley, it might be a good option to proceed with Option 4, while providing special services for those handicapped in wheelchairs.

Discussion continued regarding costs savings with Option 4.

Vice-Mayor Steinberg is in favor of Option 1.

Commissioner Alemán asked if this could be a pilot program and get feedback from the riders as to its appeal.

Commissioner Grieco agrees that Option 1 is the best, and if in the future they want to expand the program, they can do so, but this is a time sensitive item.

Michael Llorente clarified, for the record that Limousines of South Florida has experience with low-floor trolleys and they operate the only trolley operating in South Florida; the Vice-President of the company has over 15 years of experience.

**1:45:24 p.m.**

R9H Presentation By FIU Hydrologist Henry Briceño On His Research And The Water Quality In Biscayne Bay.

(Sponsored by Commissioner Kristen Rosen Gonzalez)

**ACTION:** Presentation made.

Henry Briceño, PhD, Associate Research Scientist, Florida International University, read a prepared statement. See [Talking Points](#)

Dr. Henry Briceño has been the principal and co-principal investigator, in charge of several water quality monitoring programs dealing with South Florida coastal waters during the last ten years. He began studying the quality of flooding water in Miami Beach during the king tide event of

October 18, 2013. On that day, he spent the day just wading in the water, doing measurements and taking samples for analysis. He found high levels of pollution of phosphorous and nitrogen in the water, and by that time, there were no pumps working and the streets were low; not risen He added that pumps do not pollute; pumps just move the water from one place to another; either clean or tainted water. Whenever he talks to the press, he says that the pumps are part of the solution, but it looks like that is where the words get lost in the noise. He read from his research report entitled “– [A peek into the future.](#)”

Mayor Levine hopes the media covering this reiterates what Dr. Henry Briceño stated: 1) pumps DO NOT pollute; he hopes this is a leading headline of a story; and 2) pumps are PART of the solution. He would like to hear from the City's experts.

City Manager Morales added that the report from NOAA has very positive conclusions and he would like them to share with the City Commission, and they are part of the effort, along with Dr. Briceño's study.

Chris Sinigalliano, PhD, NOAA-AOML, Research Microbiologist with the National Oceanic and Atmospheric Administration, introduced Dr. Maribeth Gidley, NOAA's principal investigator at the University of Miami, who joined this study to put this in perspective. NOAA, FIU, UM, NOVA Southeastern University and the Office of the City Manager have been involved from the beginning on this study. NOAA is interested in this, as they are looking at the larger issue of sea level rise and coastal tidal flooding that is becoming a serious concern for many coastal communities in the country and around the world. This is not a unique problem to the City; there is a history of contamination that has accumulated over the years and has been relatively unexposed. With coastal tidal flooding, they face a different pattern of flooding; and there is a distinction between Stormwater flooding and tidal flooding. Stormwater flooding is primarily fresh water coming from the surface and trickling down and going through storm drains and infrastructure. Tidal flooding is coming up through storm drains, but in Florida it is also coming up through the limestone bedrock and up through the soil, reaching and mobilizing areas of historical contamination, as well as those that do not normally get flushed by Stormwater. The chemistry of tidal and Stormwater flooding is different too; it has a different PH, contaminants can be released from the soil in a different way, and so they were interested in NOAA to look for a variety of coastal communities and see how tidal flooding is influencing both the volume of water and the impact of water quality. In Miami Beach, it is recognized that the City takes a proactive stance in addressing sea level rise tidal flooding issues, and the world is looking at the City as one potential model. Given that, and the activity of the pumping, he added that this was a preliminary small scale to help NOAA better understand and predict potential future impacts of sea level rise flooding and to direct further research efforts. NOAA presented this data in 2014 and 2015 to the Office of the City Manager and at National Science venues. He is here to clarify and answer any questions. He summarized: tidal floodwaters contain contaminants, such as chemical and nutrient contaminants, fecal indicator bacteria, which come from many sources, soil not associated with fecal contamination; it can come from human or dog waste or decomposing plant matter. Enterococci is used as a fecal indicator organism, as it can be found in human waste, and epidemiological studies have found a relationship between the abundance of enterococci and reported health illnesses; however, there could be multiple sources of enterococci coming from the environment, not all of which represent a health risk. Enterococci are the only regulatory water marker for recreational marine waters. They also did a state-of-the art molecular micro resource tracking, where they genetically tied other fecal material to their host sources. Enterococci can persist in the environment for long periods without representing fecal contamination, but the levels found for human source bacteria represent a relatively recent exposure to human fecal material within five days or less. The combined results suggest that there are multiple sources contributing to the contamination of this floodwater. Floodwater is not



sewage or human waste; it is tidal floodwater that has picked up contaminants from exposure to human waste, dog waste and other sources of contaminations. Again, this is quite common in coastal communities. They recognized that the City is currently engaged in upgrade and repair activities in coating the sewer lines, and this is an ongoing process. As of the time of the study, there are still sources that are contributing to the soil. This is not sewage, it is not being caused by pumping or current management practices of the City; this is an effect of tidal floodwaters being exposed to the land, which has a long history of changing land use and a variety of contamination sources. There is evidence that there has been some exposure to human and dog waste. The indicator bacteria themselves are not disease causing, but they can reflect the presence of possible pathogens that may be coming from exposure to fecal contamination. Although this is a preliminary study, they brought this to the attention of the Office of the City Manager to educate residents to take proper precautions. There may be potential health risk from direct exposure to floodwaters in the streets, especially with open wounds or sores in humans. The pumping done in the City is not causing the contamination, but it is moving it around, and is changing the pattern of discharge of these waters. He recognized that by pumping, the water is removed quickly from the streets; the less time the water sits in the land, the potential contaminants are being reduced, and therefore, the City is limiting the time of exposure to the public as well. There is probably minimal health risk to swimmers offshore. To reduce the levels of bacteria, he suggesting collecting these waters, so the City might be able to get the water treated. Pumping, by collecting and concentrating it to discreet point sources, provides the City with the opportunity to have some water treatment options, instead of letting it left to runoff as diffused non-point sources all over the island, and it would be difficult and expensive to treat. NOAA has made some recommendations to have a better understanding of what is being pumped, and provide public education to avoid floodwaters if possible, and common sense hygiene for protection.

Discussion held regarding safety of swimming in the bay.

Commissioner Rosen Gonzalez stated that scientists have been abused throughout time. This has been a positive thing. She thinks that the City Commission and the City Manager should apologize to the scientist. Their research design was fine and resulted in many positive things for the City. First, she met with the CIP Director of the City of Miami, and compared what they are doing with Stormwater with what the City is doing. One thing the City can do is build deeper wells; another thing is put on a fluorescent light that gets rid of the bacteria that are concentrating near these outfalls, and possibly reduce the amount of bacteria. She is glad that the scientist came here. She apologized to The Miami Herald, because they were blamed for "yellow journalism." What they did at the last meeting was shameful. These are academics, they follow the scientific method; they came forward and they gave us their research. She is really offended by this just because it is their reputation.

Mayor Levine disagreed totally with Commissioner Rosen Gonzalez.

Commissioner Grieco respectfully addressed his colleague Commissioner Rosen Gonzalez, and stated that what people do not know is that Dr. Sinigalliano and Dr. Briceño's reports have different findings. The City has over 200 outfalls, but they only gathered data for the study from five or six of the outfalls. He stated that the article in The Miami Herald and Miami News Times only wrote about pumps and what was coming out of the outfalls; it did not talk about outfalls in other cities, only the pumps, because the City has been focused on keeping the streets dry. After the testing, NOAA requested \$670,000 from the Environmental Director, and then after that, their report was released and then several articles were written about how the City's pumps are pumping human waste out into the bay, which was actually contradicted by another study he just read.

Discussion was held regarding lack of data and testing reports presented to the City.

Dr. Briceño clarified that there is not any agenda here or a conspiracy. Commissioner Grieco's chronology of the events is right; all these years they have kept all that biological data hidden from anyone, except from the City of Miami Beach. If nothing has been done by the City with the data, the scientist cannot do anything about it, other than showing the data.

Discussion continued regarding the request for \$670,000, which was denied and about contradicting reports.

Commissioner Malakoff wants to report that the City has eliminated all septic infrastructure in the City of Miami Beach, and in addition, as they are doing the underground infrastructure throughout the City, they are relining the sewer system or completely replacing it with new sewers; because she thinks that is the main source of the contaminants that are found, which have been here under the ground for years.

Commissioner Arriola stated that as elected officials and professional City staff, among our highest priorities is to protect the safety and welfare of our citizens. When articles published in The Miami Herald, the official paper of this town, and it is misleading, because selling against Miami Beach and making us look bad sells papers; it is our obligation to challenge them when we think they got their facts wrong. He thinks that perhaps some of Dr. Briceño's words were taken out of context. He thinks The Miami Herald should apologize to the citizens of this community for inflaming them and getting them very concerned about our efforts to try to protect our City, not just from sea level rise, but also to try to prevent pollution from going into the bay. We have heard it from our experts here, both sides that the pumps are not causing these contaminants; we are not pumping sewage into the bay, but in many cases, we are keeping debris and garbage from going into the bay. The pumps are working, and the City is working to make them better; including the possibility of treating the waters further. The issue of measuring the contaminants at the outfall is like "sticking your face in front of a tailpipe of a car"; which he would never do, but 20 feet behind, it is absolutely safe. It is the same thing with the pumps. He swims in the bay all the time. So it is misleading to the public when a sample is taken right at the outfall, and saying that there is human waste going into the bay and the City's pumps are causing it; that is the way The Miami Herald presented the data to the public, and it is misleading, and he is offended by it.

Commissioner Alemán quoted that from The Miami Herald that "the City is rejecting the research about the water quality in the bay," and that upsets her because she is part of the City, and so they do not think that any of them are intending to reject research on water quality. They are all keenly interested in the water quality. Dr. Briceño said, "the water quality issues measured were not caused by the management of the City." Another newspaper quote said, "the City is spitting out raw sewage into the bay"; and Dr. Briceño said no, it is not sewage; it is not human waste. Therefore, what concerns her is not the science. The City conducts their own science and the last time this was discussed they established that the City works with County DERM and with the EPA, and they have defined specific locations where they test; the City is audited on testing methodology, on the data itself. In addition, they are testing, and conducting our own science, and the City has multiple external entities that are ongoing auditing the City's evaluation of that. What is important about this testimony today is that this is not being caused by the pumps; in fact, the pumps can be helping, since the water is not sitting so long to collect materials. Nonscientific conclusions were made, based on the research, and she finds this to be irresponsible. If they want to reevaluate the processes by which they test and invite DERM and EPA and anyone else that wants to come to look at that methodology, that is great, but let us not leap to inaccurate, inflammatory political conclusions that are not the right conclusions, based on the results of science.

Mayor Levine asked Dr. Briceño if The Miami Herald article was too sensationalist, or was it accurate according to his study.

Dr. Briceño stated the question should be asked to The Miami Herald; they have their interpretations of the facts.

Mayor Levine asked if they could use his quotes that pumps are not part of the problem, but in fact, are part of the solution.

Dr. Briceño stated he never said that; he has reviewed some publications in the past, but he does not recall finding that the pumps are doing this, maybe, he does not know. His objective today is just trying to do the right thing and gain something from this experience. He knows that the City does not have enough information on Stormwater; this is a proven fact. They need that information, and the City should use a company to gather that information.

Vice-Mayor Steinberg reminded everyone that in the Consent Agenda earlier a referral to the Sustainability Resiliency Committee was approved for Stormwater Best Management Practices (See item C4U), as the City is always looking to see what they can further do and have this conversations, and she invited them to the committee meeting to discuss further.

Mayor Levine asked if a Resolution should be adopted to encourage The Miami Herald to publish that pumps do not pollute, and that pumps are part of the solution.

Commissioner Grieco stated The Miami Herald publishes what they wish, but in 2013, there was a sampling done, before the pumps were operational. He asked if an assessment was done as to how much trash was going into the water, cups, bottles, plastic bags, Styrofoam, floatables, and other debris.

Dr. Briceño stated that was not their objective.

Discussion continued.

Commissioner Rosen Gonzalez stated that the results of this research and The Miami Herald article is the conversation they are having now, and the conversation they all learned something about from, and CIP and Public Works as well as Environmental staff have benefited from this. She thanked the scientists for coming to present their scientific data results.

Discussion continued.

Mayor Levine thanked them for presenting the report, but if they do a study in front of the test pipe, those are the kind of results they will get. He clarified that pumps are part of the solution, and added that The Miami Herald took the results of his study and sensationalized it to the detriment of the City. He believes the bay is clean and he will swim there any time.

Commissioner Arriola explained that newspapers publish what sells, and he is sorry that Dr. Briceño was put into this position by misconstruing his words; it is their obligation to let the public know the facts of what happened. To say they are pumping raw sewage into the bay is misleading.

Dr. Sinigalliano stated that it would be in the best interest of the City to convene experts to find ways to deal with the levels of contamination that are in the floodwaters. They have been able to deal with the flooding, and have been able to remove some contaminants, but it is still necessary to look at the issue of what is remaining, and whatever can be done, he thinks it would be

important to do. The world is looking for solutions, and there are not a lot of them.

Jimmy L. Morales, City Manager, on behalf of staff, stated that they have never questioned science and have always acknowledged that Stormwater in urban setting is problematic. What they question at the last meeting was the data and the extrapolation to conclude that human waste was being pumped into the bay, which they have now clearly heard that it is not the case, and the extrapolation that the pumps were the cause of the problem. Many people asked to stop the pump program due to this. They recognize that the City is a work in progress, and are writing the book that others are watching; the City learns as it moves forward. He introduced Margarita Wells to explain what the City is doing about this issue.

Commissioner Arriola stated that they will continue to install the pumps and make them better, but even the Sustainability Committee passed a Resolution to reduce and hopefully eliminate known carcinogenic used in pesticide, as this runs into the bay. They are constantly looking at ways to eliminate the use of bay contaminants.

Margarita Wells, Environmental Manager, explained that as part of their NPDS Stormwater permit program they are asked to evaluate the program that takes multiple steps, to not only remove pollutants once they get into the Stormwater system, but to make sure that the pollutants do not make it to the Stormwater system in the first place. In the past two years, they have developed a new grease inspection program to limit the amount of bacteria coming out from sanitary sewer overflow; they have discussed integrated pest management practices, since pesticides can cause elevated levels of phosphorous or nitrogen, and that is a concern. They contacted the DEP to send their experts and evaluate the program; walk the water bodies with DERM to identify areas where they can improve the program. They have added six new testing stations to help understand better how the water quality looks closer to the City, to get more information and look for ways to improve the program into the future. She addressed the audience to tell visitors, businesses and residents that Biscayne Bay is everyone's responsibility, and there is a great deal that everyone can do to reduce pollutants that are making it into the Stormwater in the first place.

#### Handouts or Reference Materials:

1. Talking points for Henry Briceño presentation of Nutrient analysis Data in Tidal Floodwater Samples from Miami Beach during 2014 and 2015 "King Tide" Events.
2. High tide on Miami Beach: A Peek into the Future Presentation
3. Conclusions submitted by Henry Briceño

#### 4:32:01 p.m.

R9I Discussion Regarding Miami Beach United (MBU) Ballot Question Proposal Entitled, "Residents' Right To Know."

(Sponsored by Commissioner Michael Grieco)

**ACTION:** Discussion held. See related Item R9P. Motion made by Vice-Mayor Steinberg to refer the item to the Neighborhood/Community Affairs Committee as an aspirational Resolution; seconded by Commissioner Alemán; Voice-vote: 7-0. **Morgan Goldberg to place on the Committee Agenda. Office of the City Attorney to handle.**

#### **REFERRAL:**

Neighborhood/Community Affairs Committee as an aspirational Resolution

Commissioner Rosen Gonzalez introduced the item, which is a resolution from Miami Beach United entitled "Residents Right to Know." It addresses the following topics: impact to resident's quality of life, targeting neighborhood notices, timely opportunity for input; they want to be

considered like experts in the neighborhood and the neighborhood associations would notice themselves. She stated that this is a movement and they would like this to be put this on the ballot. She asked for support of this ballot question and added that the item is being referred to the Neighborhood/Community Affairs Committee. She is in support of the "Residents Right to Know" because she has been a victim of this; she has been treated like a second-class citizen to lobbyists and other paid individuals. This is similar to our height increase problem that they are having right now. If they do not listen to residents, the Commission will get powers taken away from them.

Mayor Levine stated that the City does a tremendous amount of noticing and public input.

Commissioner Arriola added to the Agenda the Open Data Initiative, which addresses the Resident Right to Know; and he is in support of providing ample notice to residents and the opportunity to be heard for residents. His concern is that this is more than providing a Right to Know, as it is actually giving them appeal authority, and it handcuffs the government in moving forward; it can bring the government to a standstill. For transparency purposes, he supports the item, but he thinks this may be a slippery slope regarding the appeal issue.

Commissioner Grieco informed that he met with MBU members and the concept is sound. The City Attorney sent an email outlining how they can draft legislation to achieve this goal. Once they place this on a ballot, there is a trigger in the City Charter, since usually elected officials are reluctant to pass this legislation. The idea of granting neighborhood associations' appellate rights and legal recourse in the way of attorney's fees, that is where he is concerned. There is no formal definition of neighborhood association in the Code and some associations have two or three people active in the neighborhood dictating their desires over other people in the neighborhood. He suggested referring this to Neighborhood/Community Affairs Committee for further discussion.

Mayor Levine does not sense an appetite for putting this on a ballot question and change the Charter, but maybe put this as an aspirational Resolution.

Discussion continued.

Vice-Mayor Steinberg loves the concept and moved to refer to Neighborhood/Community Affairs Committee.

Mayor Levine requested sending it to Neighborhood/Community Affairs Committee, but ensuring that they are not looking at it as an Ordinance, but as an aspirational Resolution.

Commissioner Malakoff suggested passing as a Code amendment or a Resolution, so that in the future the City Commission can amend. Residents do have the right to be heard now, and Commissioner Grieco is correct, there are some associations that are organized, and others that are not so organized.

Commissioner Rosen Gonzalez agreed referring to the Neighborhood/Community Affairs Committee.

#### Handouts or Reference Materials:

1. Email from Raul Aguila dated June 2, 2016 RE: MIAMI BEACH UNITED BALLOT QUESTION: RESIDENT'S RIGHT TO KNOW with attached document titled 6-2-16 Redlined PROPOSED BALLOT QUESTION BY MBU.DOCX; 6-2-16 RJA PROPOSED BALLOT QUESTION BY MBU.DOCX.
2. Email from M. Needle [mdneedle@hotmail.com](mailto:mdneedle@hotmail.com) dated June 07, 2016 RE: MIAMI BEACH UNITED BALLOT QUESTION: RESIDENTS' RIGHT TO KNOW.



- R9J Discussion Regarding Memorial Day Weekend 2016 Report Card And Statistics.  
(Sponsored by Commissioner Michael Grieco)

**ACTION:** Item withdrawn by Commissioner Grieco.

Handouts or Reference Materials:

1. Email from Michael Grieco [Michael@griecolaw.com](mailto:Michael@griecolaw.com) dated June 4, 2016 RE: My Memorial Day discussion item.

**4:20:57 p.m.**

- R9K Discussion Regarding Leaking Waste Management Garbage Trucks And The Steps The City Is Taking To Address The Situation.  
(Sponsored by Commissioner John Elizabeth Alemán)

**ACTION:** Discussion held. **Jay Fink to handle.**

Commissioner Alemán clarified that she is referring to all waste haulers, not just Waste Management, which are leaking through the City's streets, and ultimately find their way to the bay. She is concerned with the steps the City and providers are taking to remedy the situation. She also asked what residents can do if they see a leaking vehicle.

Jay Fink, Assistant Public Works Director, explained that Al Zamora has met with both contractors and they have set up strategies to abate this problem. They have agreed to have a spare truck assigned to the beach to replace any vehicle that is leaking. Waste Connection has established the refurbishment of ten trucks in service. Some repairs have already been performed, including replacement of floors, control valves and other parts. Drivers are expected to inspect their vehicles before and after driving, and in the event of a known leak, they will notify dispatch to send the contractor to clean up the leak. In addition, Waste Management has invested \$10 million in a new headquarter facility in Medley, with CMG front loader trucks that reduce diesel and emissions. Miami Beach was one of the first communities to see two of these vehicles. They will continue to monitor the steps taken. If residents see a vehicle leaking, they can call Sanitation Department directly, provide the truck number, and if needed they will report it to Code.

Commissioner Rosen Gonzalez stated that when these contract come back for renewal, in addition to the bulk pick-up issue, and now with leaky trucks, that they not renew the contract.

**4:43:21 p.m.**

- R9L Discussion To Review The Results Of The Skate Park Public Workshop Held On May 25, 2016, And The Next Steps To Be Taken.  
(Sponsored by Commissioner John Elizabeth Alemán)

**ACTION:** Discussion held. Direction to look at the two locations: the West Lots and North Shore Open Space Park (North Shore Open Space Park) approved by acclamation (Vote: 6-0; Absent: Vice-Mayor Steinberg.) **John Rebar to handle.**

**DIRECTION:**

Look at both locations: 1) the West Lots and 2) North Shore Open Space Park (North Shore Open Space Park)



Commissioner Alemán introduced the item, and stated that her observation is that there is definitely a community appetite for this amenity; however, the only concern is the location. No one wants the skate park next to them. Staff has identified three locations, as John Rebar will explain.

John Rebar, Parks & Recreation Department Director, explained that subsequent to the Skate Park Workshop, three locations were identified: 1) 72<sup>nd</sup> Street parking lot (between North Shore Park Youth Center and the Bandshell); 2) the vacant West Lots on the west side of Collins Avenue, adjacent to the North Shore Open Space Park, and 3) the south end of North Shore Open Space Park. In addition, there were two different skate activities discussed; the traditional skate park, and the “all-wheel” track, with a paved path that has contour to it, which could also be used for scooters and bicycles. After the workshop presentation and public input, the folks voted on the type of park and locations. Fifty-three votes were cast for the type of park; five voted for a traditional skate park as their No. 1 choice; seven voted for “all-wheels track,” and forty-one votes were casted for a combination of both. Forty-six votes were cast on location; one person voted for the parking lot at 72<sup>nd</sup> Street, eleven for the West Lots, and thirty-four votes for the south end of North Shore Open Space Park.

Commissioner Arriola stated that there is overwhelming support in the public for this park. He campaigned on this issue when he spoke to children that he would get this done, and this is a promise he must keep. As far as the location, the West Lots are the least controversial; however, after discussing with Mr. Rebar, he is now in favor of moving forward at looking at North Shore Open Space Park, since there are existing bathroom facilities, it is undergoing renovation, there are opportunities to landscape properly the area, and they have the support of the community. If the argument is not to touch the green space, he added that the North Shore Open Space Park is a 33-acre park; and the skate park takes less than 3% of the overall space.

Commissioner Grieco agreed with Commissioner Arriola as far as location is concerned. A hybrid park is the idea of pump tracks with added bonus features normally found in a traditional skate park. Pump tracks are more than 50% greenspace and landscaped, and it is more of a version of a path. He is supportive of the skate park and it is time to make a decision.

Commissioner Malakoff is in favor of skate parks, but prefers a location in one of the West Lots. She added that the idea of combining a skate park with bicycles is dangerous for the skaters. The primary use of the West Lots should be for public use, such as a competition pool, a skate park, and/or a community garden. She added that the southern end of the North Shore Open Space Park is near a single-family home district and it is all greenspace.

Commissioner Alemán stated that because they are about to finalize the scope of work with West 8, she asked if there is support from her colleagues to give West 8 direction to do some alternatives, in case they decide that North Shore Open Space Park is the right location. This is not about selecting a site, but let West 8 explore what could be there. She received an email and corresponded with the president of Altos Del Mar Homeowners Association who had some reservations, as well as the Board, but they have agreed to stay open-minded and see what it could look like.

Commissioner Rosen Gonzalez supports the skate park in any other location except at the North Shore Open Space Park. She does not think this is the best use of oceanfront property.

Discussion held regarding paving the park and exploring the options.

Mayor Levine stated that they would look at all locations.

Mr. Rebar stated that CIP would need direction if they are going to add this as an alternate scope item to West 8.

Commissioner Arriola stated that West 8 would do a fabulous job and he is in support of that. Commissioner Arriola stated that South Pointe Park, an oceanfront park similar to North Shore Open Space Park has cemented water features that are very popular with children.

Discussion continued.

Mayor Levine directed staff to look at both locations, West Lots and North Shore Open Space Park.

**4:54:39 p.m.**

R9M Discussion Regarding The Creation And Funding Of A Proactive Illegal Short Term Rental (STR) Taskforce.

(Sponsored by Commissioner Michael Grieco)

See [LTC-247-2016](#) – Short-Term Rental Task Force, Dated: June 6, 2016

**ACTION:** Discussion held. Moved by acclamation to create a Short-Term Rentals Task Force through the upcoming budget process. **Office of the City Attorney and Hernan Cardeno to handle.**

Commissioner Grieco explained that this issue is not about Airbnb, but it is about where short-term rentals are not legal; the City does everything we can, on a complaint driven basis, to combat short-term rentals. It is easier to do with single-family homes, but it is complaint based. Commissioner Grieco proposes including a budget discussion item for the summer to come up with a number and framework to create a proactive Task Force made up of investigative minded Code Enforcement officers, potentially a partially detached detective from The Miami Beach Police Department, and not only map the offenders, but create a framework to act as a deterrent for the proliferation of short-term rentals.

Jimmy L. Morales, City Manager, explained that this is looking to add more bodies through the budget process working on this issue. They are also doing internal coordination. They have two full-time Code officers and everyone else helps when they can.

**4:56:55 p.m.**

R9N Discussion Regarding Open Data Policy Initiative.

(Sponsored by Commissioner Ricky Arriola)  
(Information Technology)

**ACTION:** Discussion held. Approved by acclamation to bring as a proposed budget amendment at the Commission Meeting of July 13, 2016. Voice-vote: 7-0. **Ariel Sosa and Cintya Ramos to handle.**

**DIRECTION:**

Bring back as budget enhancement in at the Commission meeting of July 13, 2016.

Commissioner Arriola explained that in trying to make our government more transparent and user friendly to residents, City officials and the Administration, with this imitative, will be able to see what happens at any given time in City departments. Miami Beach will be at the leading edge if

adopted now, but this is a movement that most major metropolitan areas in the 21<sup>st</sup> Century will adopt this Open Data policy. This initiative is modeled after the City of Boston, where elected officials and residents can look online and see how government is doing, by looking at crime statistics, traffic patterns, and anything they keep data on. The City has over 400 databases, and by using this technology, they can simplify and coordinate how these databases present informational reports to residents and government officials. Miami-Dade County has contracted with a firm, and he is looking to possibly piggyback on that relationship. Other municipalities have also looked at this, and he wants the City to be on the forefront. He asked for the City Commission's support, and added that the item had been vetted and supported unanimously at Finance and Citywide Projects Committee.

Ariel Sosa, IT Department Director, stated that staff has met with Boston and Washington D.C., and talked to them about their policy, so they are excited to move forward with this, if this is the City Commission's direction.

Discussion held.

City Manager Morales asked if the item should be brought back as a proposed enhancement in July.

Commissioner Malakoff stated that Boston had 28 employees working on this, and she suggested finding out what effect this would have on the City employee needs.

Mr. Sosa suggested that there would be an augmentation of staff associated with this, and asked direction as to the implementation.

Mr. Sosa asked if they wanted to start the program now, or wait.

Both Mayor Levine and Commissioner Arriola responded that they wanted to do so this now. Commissioner Arriola stated that such programs have a long lead-time.

City Manager Morales stated that they would then bring it back as a budget amendment in July. (July 13, 2016 Commission Meeting.)

Approved by acclamation to bring as a proposed budget amendment at the Commission Meeting of July 13, 2016.

#### **5:00:45 p.m.**

R90 Discussion Regarding The Use Of Auto Return's Tow Technology On Miami Beach.  
(Sponsored by Commissioner Ricky Arriola)

**ACTION:** Discussion held. Moved by Commissioner Arriola; seconded by Commissioner Alemán to refer to both the Finance and Citywide Projects Committee and the Neighborhood/Community Affairs Committee. **Allison Williams and Morgan Goldberg to place on the Committee Agendas. Saul Frances and Police Chief Dan Oates to handle.**

#### **REFERRALS:**

Finance and Citywide Projects, and  
Neighborhood/Community Affairs Committees

Commissioner Arriola introduced the item and suggested referring to committee. He said many other cities and municipalities are using this technology to coordinate tow operations with Police

operations. He is asking for consensus from the City Commission, and if so, refer this item to committee.

Alan Brasher, Senior Vice President of Auto Return introduced the item.

Videos and PowerPoint presentations were shown by Mr. Brasher.

Click [here](#) for PPT.

Click [here](#) for Video 1

Click [here](#) for Video 2

Mr. Brasher explained that most secondary accidents are caused because of primary accidents. Auto Return allows tow trucks to clear roadways faster and allows Police Officers to get back to other calls as soon as possible.

Mayor Levine said the program is interesting and would like to hear opinions from the Commissioners.

Commissioner Rosen Gonzalez would like to know more about the program and possibly refer it to the Neighborhood/Community Affairs Committee or the Finance Committee.

Commissioner Grieco suggested referring to both the Neighborhood/Community Affairs Committee and the Finance and Citywide Projects Committee to better analyze the program. He is not sure if the Auto Return program is appropriate for Miami Beach, due to the geography and the fact we do not deal with a large amount of tow companies; however, he would like to learn more about the program.

Mayor Levine asked Mr. Brasher how people would know to contact Auto Return.

Alana Brasher explained that people have two options. 1.) To pull up their smartphone and go to CarTowMiamiBeach.com or 2.) Go to the 311 site. That way if there is a Police tow or private property tow, people have one place to go. Mr. Brasher said many cities are trying to reduce their administrative cost in helping citizens retrieve and locating their vehicles. Under the Auto Return model, drivers could just hit a button and go to the company's call center, which is open 24/7-365 days.

Mayor Levine mentioned that the second video played stated that if there is a car accident this application helps the Police get a tow truck faster; however, the issue in Miami Beach is that Police Officers take a long time to clear an accident scene.

Mr. Brasher said that right now the City of Miami Beach has a multi-staff process. A request for a tow truck is dispatched to Police Communications, then they make an outbound call to a tow company, and then that is allocated to a tow truck driver in Miami Beach. Under their application, the officer has the capability to hit one button on his onboard computer, and it would go directly to the closest tow truck driver to respond to that location. Without that application, an officer makes the initial request and then they must call back Police Communications to see where the tow truck is. Under their application, the tow truck driver would accept the tow in less than 30 seconds, then a Police Officer would get immediate information that the tow truck is two minutes away and the Officer can waive off any other tow truck that comes on the scene.

Mayor Levine said that bringing these kinds of ideas to the City is wonderful; there are so many great ideas that they should be vetting new technology ideas constantly.

Commissioner Arriola asked Mr. Brasher in what other cities they operate their business.

Mr. Brasher said they operate in San Francisco, Indianapolis, Kansas City, Missouri, San Diego, Baltimore County, Concord, California; last year there were three RFP's in the industry and they won all three in Las Vegas Metropolitan Police Department, Denver, and Austin. They are part of the Smart City Challenge, and are proud to say that four of their cities will be presenting to the Secretary Director Anthony Fox in Washington D.C.; there is a \$50 million grant, so they hope to strengthen the cities.

Commissioner Arriola likes the application for two primary reasons: the first it is part of the smart city initiatives and the second it helps reduce traffic.

Mr. Brasher said there is also a safety aspect to it as well.

Commissioner Alemán said that there are a couple Miami Beach issues that could be resolved; one is scooters sometimes get lost and now they will know exactly when they were picked up and where they are. Commissioner Alemán asked Mr. Brasher to review the City of Miami Beach Towing Bill of Rights online and see how it could affect the program.

Mr. Brasher said he had already reviewed the Towing Bill of Rights. Lastly, he said the program could be done with no capital outlay by the municipality; all of their municipalities have passed a small administrative fee. If it is an infraction, hopefully that is a once in a lifetime event, an accident, or a DUI, or someone is arrested for an outstanding warrant, and that is when they would tap on a small administrative fee.

Mayor Levine asked if they provide ATM services to people, because it is a big issue that people do not have enough cash.

Commissioner Arriola wants the tow companies to start accepting credit cards in the future.

Discussion held.

Mayor Levine wants to refer the item to Neighborhood/Community Affairs Committee and to the Finance and Citywide Projects Committee.

Consensus was that the item should go to both Committees.

Item moved and seconded.

#### **4:32:33 p.m.**

R9P Discussion Regarding Miami Beach United's Civic Initiative To Amend The City Charter, "Residents' Right To Know."

(Sponsored by Commissioner Kristen Rosen Gonzalez)

**ACTION:** Discussion held. Item heard in conjunction with R9I. Motion made by Vice-Mayor Steinberg to refer the item to the Neighborhood/Community Affairs Committee as an aspirational resolution; seconded by Commissioner Arriola; Voice-vote: 7-0. **Office of the City Attorney to handle**

Handouts or Reference Materials:

1. Email from Raul Aguila dated June 2, 2016 RE: MIAMI BEACH UNITED BALLOT QUESTION: RESIDENT'S RIGHT TO KNOW, with attached document titled 6-2-16 Redlined PROPOSED BALLOT QUESTION BY MBU.DOCX; 6-2-16 RJA PROPOSED BALLOT QUESTION BY

MBU.DOCX.

2. Email from M. Needle [mdneedle@hotmail.com](mailto:mdneedle@hotmail.com) dated June 07, 2016 RE: MIAMI BEACH UNITED BALLOT QUESTION: RESIDENTS' RIGHT TO KNOW

**4:25:14 p.m.**

R9Q Discussion Regarding A New Paradigm For A Resident Alert System.  
(Sponsored by Commissioner John Elizabeth Alemán)

**ACTION:** Discussion held. Motion made by Commissioner Alemán; seconded by Commissioner Grieco to move forward with an App/program to alert residents of topics coming up for discussion, and bring back funding request at the **July 13, 2016** Commission Meeting; Voice-vote: 7-0. Lilia Cardillo to place on the Commission Agenda, if received. **Ariel Sosa to handle.**

Commissioner Alemán explained how difficult it is for residents to keep track of topics, projects or Ordinances as they move through the many layers of government, from the City Commission to Commission Committees, and beyond. There is no set path to follow the outcomes. She would like to see a new paradigm where the City proactively alerts residents when topics of interest to them come up for discussion. Residents can subscribe to alerts on topics they are interested in. Commissioner Alemán believes this can close the information gap and improve the quality of life in the City.

Commissioner Rosen Gonzalez equated it to Google Alerts.

Ariel Sosa, IT Director, stated that Google probably has a module that residents can subscribe to that would do this.

Mayor Levine and Commissioner Steinberg approve of the idea.

Mayor Levine inquired if the City could retain a firm and have them design a program where residents click on locations in the City and residents could see the latest information as to what is happening in that particular area. **Ariel Sosa to handle.**

Commissioner Alemán stated that Ariel has already implemented on the City's website an interactive map that when you select a home, it will tell you which Homeowner or Neighborhood Association you belong to, so they could build on that.

Mayor Levine suggested for each Homeowners Association and/or Neighborhood Association to update the database as well. He suggested moving forward and creating an initial budget to fund this.

Motion made and seconded.

City Manager Morales stated that this would be included in the enhancement discussion in July.



**5:11:11 p.m.**

R9R Discussion Regarding The Creation Of An Electronic Bookshelf Of Master Plans On The City's Website.

(Sponsored by Commissioner John Elizabeth Alemán)

**ACTION:** Discussion held. Approved by acclamation. **Ariel Sosa to handle.**

Commissioner Alemán suggested creating an electronic bookshelf of all the City's master plans in one place, in order to be transparent and make documents accessible.

Mayor Levine stated that this is a good idea.

**5:12:12 p.m.**

**ADDENDUM MATERIAL 1**

R9S Discussion Regarding Terminating The Month To Month Contract With The City's Current Red Light Camera Provider, And Discontinuing The Request For Proposal Process, RFP No. 2016-046-KB, Which Seeks A Red Light Violation Camera Enforcement System And Related Support Services.

(Sponsored by Commissioner Kristen Rosen Gonzalez)

**ACTION:** Discussion held. No action taken.

Commissioner Rosen Gonzalez explained the issue. Red Light Cameras have been banned in Miami-Dade County, and it is a movement. Red Light Cameras do not change behavior; but instead they cause accidents. The newest data, of over one million Red Light Camera violations, shows that after their installation, there are more crashes and more vehicles are rear-ended. The City is in litigation over this. Initially this was done to generate revenue; however, no monies have been generated from these Red Light Cameras. It is cumbersome and outrageously expensive program.

Mayor Levine and Commissioner Malakoff are in support of the Red Light Cameras because it reduces accidents and saves lives.

Mayor Levine asked Police Chief Dan Oates for statistics.

Police Chief Daniel Oates stated that data shows that in Miami Beach there has been a decrease in accidents and injury accidents at locations where the Red Light Cameras are installed. In terms of costs, there is modest revenue above cost to the City as the results of tickets. However, ultimately this is a policy decision. On a personal level, he got Red Light tickets for speeding in Colorado, and he modified his behavior. He has shown videos of flagrant violations of the Red Lights to the City Commission in the past, and again, this is a policy decision. This is the third time they are discussing this since he has been Chief of Police in Miami Beach. The RFP is out, they are making modifications to it based on vendor response to the RFP, but as of the meeting in February, the City Commission's direction was to put out an RFP to extend the Red Light Camera Program and include five additional intersections. This process is underway.

Commissioner Alemán stated that when the Police Chief states that there are less accidents and injury accidents at the intersections where they have these cameras, which has to resonate. This is a public safety question and the Police Chief is giving them his professional advice for the protection of the community.

Commissioner Arriola stated that these cameras do modify behavior; no one likes to get tickets, but the cameras are needed.

Vice-Mayor Steinberg added that Red Light Cameras also come in handy to identify individuals of interest.

Commissioner Rosen Gonzalez stated that the newest data from the Department of Motor Vehicles show that in 2015 they had one million cars, and showed that Red Light Cameras increased accidents. This data trumps the local data.

Chief Oates stated that this debate has gone on for nine years in other municipalities where he has been Chief, and every year there was a similar conversation. It is ultimately a policy decision; however, the data in Miami Beach shows that injury accidents and overall accidents have decreased where the Red Light Cameras are installed at these intersections.

**10:58:57 a.m.**

**ADDENDUM MATERIAL 1**

R9T Discussion Regarding Renaming Convention Center Drive To "Muhammad Ali Drive" And Authorizing The Creation Of A Statue Of Muhammad Ali To Be Placed Either In The New Miami Beach Convention Center (MBCC) Park Or Inside The Renovated MBCC.  
(Sponsored by Mayor Philip Levine)

**ACTION:** Discussion held.

**MOTION NO. 1:**

Item referred to Neighborhood/Community Affairs Committee regarding road renaming. Motion made by Vice-Mayor Steinberg; seconded by Commissioner Arriola to refer the item to Neighborhood/Community Affairs Committee; Voice-vote: 7-0. **Morgan Goldberg to place on the Committee Agenda. Eric Carpenter, Max Sklar and Office of the City Attorney to handle.**

**MOTION NO. 2:**

Motion made by Vice-Mayor Steinberg; seconded by Commissioner Arriola to move forward to find funding for the statue, via Art in Public Places Committee (AiPP); include plaque at the 5<sup>th</sup> Street Gym and discuss to replace or upgrade plaque. Voice-vote: 7-0. **Max Sklar to place on the Art in Public Places Committee Agenda. Max Sklar and Maria Hernandez.**

**REFERRAL:**

Art in Public Places Committee Agenda – Funding for statue  
Neighborhood/Community Affairs Committee – Road renaming

Mayor Levine stated that the biggest news in the world is the tragic loss of the greatest of all time, Muhammad Ali. He came to Miami Beach as Cassius Clay. He encouraged everyone to watch the documentary titled "Muhammad Ali – Made in Miami"; it talks about how so much of his life was built on Miami Beach. He became a world champion in Miami Beach at the Convention Center, where he fought Sonny Liston and changed the entire world of boxing. He trained for many years at the 5<sup>th</sup> and Washington Avenue Gym, and Mayor Levine felt it would be important to come up with a way to pay homage and tribute to Muhammad Ali's memory. Muhammad Ali stood up for what he believed in, gave up his heavy belt for years, because he believed in certain causes, and it is representative of what Miami Beach believes in. Mayor Levine added this item for discussion of some ideas he has; one of them is renaming Convention Center Drive to "Muhammad Ali Drive," and secondly authorizing the creation of a Muhammad Ali statue to be located in the new Convention Center park or inside the renovated Convention Center; that would be open for dialogue. Mayor Levine read a quote from Muhammad Ali's fight doctor, Freddy Pacheco, who said: "Muhammad Ali came to Miami Beach, his name was Cassius Clay; and he was born in Louisville, Kentucky, but he was reborn in Miami Beach as Muhammad Ali." Mayor Levine thinks this is such a historic part of the City because so many people have come to the

City and it created greatness and sprung from Miami Beach; whether it was Jackie Gleason or all the wonderful people that came from Miami Beach and made themselves in Miami Beach, Muhammad Ali represents the spirit and energy of Miami Beach.

Commissioner Arriola stated that Muhammad Ali is a hero of his. Muhammad Ali was an amazing human being in all levels; but more than his fighting abilities, Commissioner Arriola respects his leadership in civil rights. Commissioner Arriola was also going to ask that this item be put on the agenda, but he saw that the Mayor had beat him to it, so he will support not only the naming of Muhammad Ali Drive, but would love to make a really world class statue in Ali's memory, at the level of what the Rocky Balboa statue is in front of the Philadelphia Park Museum, something that would draw tourists and pay tribute to the man and what Muhammad Ali meant to the City. Commissioner Grieco is supportive of both items.

Mayor Levine requested the City Attorney to give guidance on renaming the road.

Raul J. Aguila, City Attorney, explained the requirements for the road naming. He said the first thing is to refer the item to the Neighborhood/Community Affairs Committee for discussion. Additionally, under the City Code, there are certain specific requirements for co-naming roads after people. If the Commission wishes to proceed, the City can amend the Code for this purpose, and proceed on a parallel track with the renaming itself. The first step is to do a referral to the Neighborhood/Community Affairs Committee and discuss it further there.

Vice-Mayor Steinberg moved the item as a referral to the Neighborhood/Community Affairs Committee; seconded by Commissioner Arriola.

Mayor Levine asked the City Manager what the process is for placing the statue.

Jimmy Morales, City Manager, said they could go through the Art in Public Places process. He also asked if they could go outside yard public places using the Art in Public Places funds.

Max Sklar, Tourism, Culture and Economic Development Department, stated the AiPP fund does not have enough money in it right now. The first step is to get an estimate on what the cost for a statue would be. After they get more information on the statue, they can analyze what will be the best way to fund it.

Commissioner Arriola asked what kind of direction is needed from the City Commission.

Mr. Sklar said he would research other manufacturers of statues of that nature to get an estimated cost.

Commissioner Grieco added that there is a plaque currently at the location of the original 5<sup>th</sup> Street Gym, and he would like to include that into this conversation. The images in the plaque are worn off because so many people have paid honor to the plaque. He suggested replacing or repairing the current plaque.

Commissioner Malakoff supports Commissioner Grieco's statement. She thinks Art in Public Places is planning several million dollars of public art for the new Convention Center and the park. Therefore, as far as getting a Muhammad Ali statue, it should be done extremely well.

Mayor Levine asked Max Sklar if there is funding in the Convention Center art budget.

Mr. Sklar suggested having better ideas of what a statue will cost to have better recommendations for funding.

Maria Hernandez, Capital Projects Director, stated that the funds have been earmarked for all of the artist that they are bringing in for the Convention Center project.

Mayor Levine asked if someone would make a motion so they can move forward on this.

Vice-Mayor Steinberg moved the item; seconded by Commissioner Alemán. (See Motion 2 above)

**11:06:25 a.m.**

**Announcement:**

Commissioner Rosen Gonzalez acknowledged her students from Miami Dade College who are in the audience on a class fieldtrip. She hopes they enjoy what they are seeing.

**11:31:42 a.m.**

**ADDENDUM MATERIAL 1**

R9U Commission Workshop On Review Of Critical Environmental Items For The Miami Beach Light Rail/Modern Streetcar Project. **(11:030 a.m. in the ~~City Manager's Large Conference Room~~ Commission Chamber)**

(Transportation)

**ACTION:** Commission Workshop held. **Jose Gonzalez to handle.**

**DIRECTION:**

Bring City Manager's recommendation to the July 13, 2016 Commission Meeting.  
Move forward with the maintenance site facility.

Kathie G. Brooks, Assistant City Manager, introduced the item and explained that the City is in a unique parallel procurement process for a modern streetcar light rail for the City, and conducting the environmental review for the project, not just the natural environment, but social environment, ridership information and cost benefit among other things. Bob Lepore is the consultant and project manager for the consulting team and he will be making the presentation. The goal is that this process remains on a parallel track, so by early 2017, they have all the approvals for the environment, and at the same time, they get the financial closure for the project concessionaire. Mr. Lepore will be presenting where the City is as far as the project definition, which is required for the environmental review, and talk about critical decisions that will have to be made before September, when a draft of the Environmental Report is issued.

Robert Lepore, Project Manager, Kimley-Horn introduced Lowell R. Clary, President, Clary Consulting Bob and made a presentation.

PowerPoint Presentation shown. Click [here](#) to access.

Discussion held.

Commissioner Alemán suggested depicting the elevation properly, and asked that in the future the roads be raised for sea level rise prior to the implementation of the streetcars.

Kathie G. Brooks, Assistant City Manager, explained that on 5<sup>th</sup> and Alton, the requirements provided for the concessionaires is that they will be required to raise the lane of travel only. The streetcars are operating on State roads, so the City is not building for the entire street to be

raised. On Washington Avenue and 17<sup>th</sup> Street, it is required to raise the entire street, since those are City streets, and they will be raised accordingly to the 3.7 NAVD. This will be at planning level and Public Works is working on that.

Presentation continued regarding alternatives.

Mayor Levine suggested minimizing traffic lanes as much as possible, and just envisioning one lane, whether is parking on Washington Avenue and not taking any traffic lanes, just one lane, so as not to remove any car lanes.

Presentation continued.

Discussion held regarding parking garages.

Ms. Brooks stated that they are proposing a number of technologies that have the ability of having the right-of-way as green space.

Presentation continued regarding 17<sup>th</sup> Street.

Commissioner Rosen Gonzalez suggested extending the streetcar further ahead, to go to Dade Boulevard, and not loop on 17<sup>th</sup> Street, as it is too narrow.

Ms. Brooks added that 17<sup>th</sup> Street provides more access to Lincoln Road, which is the primary area, and this is one of the tradeoff items.

Discussion continued regarding 17<sup>th</sup> Street.

Commissioner Rosen Gonzalez suggested elevating the streetcars, such as the monorail, above 17<sup>th</sup> Street. **Kathy G. Brooks to evaluate the elevated alternative option and the costs.**

Discussion held.

Mayor Levine stated that the concept is to get people to use the streetcar and stop using their vehicles.

Discussion continued.

Commissioner Arriola added that north of Miami Beach High School; people could walk to the train.

Ms. Brooks stated that they would keep it in the analysis and look at the ridership impact, as it is the next phase they will be looking at.

Commissioner Malakoff stated that on street parking is being removed, and asked how soon garages will be built in this area.

Ms. Brooks explained that there are three garages, one on 13<sup>th</sup> and Collins Avenue, one on 10<sup>th</sup> and Washington Avenue, and then an expansion to the Police garage. The City Commission just approved the award of the design services contract, and construction will begin next year.

Presentation continued on the portion of roads and transit hubs locations.

Discussion held regarding desirable sites.

Commissioner Rosen Gonzalez stated that they need to ensure that these intermodal facilities are cutting edge in design, dynamic and in places where rooftops are activated to make it special.

Commissioner Alemán stated that when they defined transit hubs this morning, they had suggested a minimum of 25,000 square feet of retail.

Vice-Mayor Steinberg reminded everyone that they need to look at this holistically; it will work if they have the connector as well, and they need to continue having these conversations with the City of Miami and Miami-Dade County. This works best if we are all on this together.

Ms. Brooks continues to have discussions with the County as to how to push that forward.

Presentation continued regarding vehicle maintenance and facilities. One option is at the 17<sup>th</sup> Street garage, the second option site is at the Public Works site on Dade Boulevard. In terms of size, there is a need for two acres. The recommended site is at the Public Works site.

Discussion was held regarding capital preliminary cost estimates at \$387 million at the Public Works site and \$216,410 million at 17<sup>th</sup> Street.

Mr. Lepore added that the next steps are to scheduled, complete and submit the Draft Environmental document; in January they would anticipate public hearing for the final endorsement of the document, and in July 2016 they would like to be confident that they have defined Washington Avenue alternatives, 17<sup>th</sup> Street vehicle maintenance and a transit hub.

Mayor Levine added that the direction is to move forward with the maintenance site facility.

Mr. Lepore will have to do the evaluation to see the traffic and environmental impacts.

Mayor Levine asked what the process is at this time with the bids.

Ms. Brooks stated that the evaluation committee meets next week, and the goal is to bring the City Manager's recommendation of the highest ranked bidder to the July 13, 2016 Commission Meeting.

#### Handouts or Reference Materials:

1. PowerPoint Presentation titled MIAMI BEACH LIGHT RAIL MODERN STREETCAR by Kimley Horn

**2:55:15 p.m.**

#### **ADDENDUM MATERIAL 1**

R9V Discussion Regarding The Status Of The Little Havana Meals Program At The Stella Maris House.

(Sponsored by Commissioner John Elizabeth Alemán)

**ACTION:** Discussion held. **Maria Ruiz to handle.**

#### **DIRECTION:**

If small funding is to be provided in the interim (between July 1 and July 12, 2016), the Office of the City Manager will handle/provide and then bring back the item to the July 13, 2016 meeting for retroactive approval and/or further direction.



Commissioner Alemán wanted to discuss the termination of the meals program at the Stella Maris House, and although it is not a City run program, it affects the residents.

Carmen Sanabria, representing Stella Maris House, explained the closure of the meals program as of July 1, 2016. She asked for assistance from the City Commission.

Commissioner Grieco wants further explanation about the program, as he is not familiar with it.

Commissioner Malakoff believes the program is run by the Archdiocese of Miami.

Commissioner Rosen Gonzalez stated that this is run through a non-profit organization that gets their funding through the United Way.

Jimmy Morales, City Manager, stated that the funding is being cut by \$500,000 by the State of Florida Local Provider Service Program. Little Havana has five different meal sites, one of which is Stella Maris, and because they are not self-sufficient the funds are being cut. The estimated meals are 40 meals per day, at the rate of \$85,000 dollars a year for the cost of the meals. One thing is the subsidy, but they have not approached the City about that. The City needs to discuss if they would cover the short fall of funding.

Commissioner Alemán suggested looking at other funding sources to try to solve the problem.

Discussion held.

Mayor Philip Levine asked if meals are to be done at the UNIDAD Senior Center.

City Manager Morales explained that they have talked to them and is being worked on. Due to prior audits, UNIDAD has not completed the pre-requisites for applying for these meal funds.

Jimmy Morales will look into the problem and reach out to Stella Maris House.

Discussion continued.

Jimmy Morales requested authorization that if the shortfall is a small amount, the City may be able to fund it to help get to reinstitute the meals programs in the interim. If the City does this, he will provide the information in the July 13, 2016 Commission meeting and request retroactive approval at that time.

Carmen Sabrina thanked the Commissioners, the Mayor and the City Manager.

### **R10 - City Attorney Reports**

R10A City Attorney's Status Report.

(Office of the City Attorney)

**ACTION:** Report given.

**Reports and Informational Items**

1. Reports and Informational Items (see LTC 241-2016)
2. List of Projects Covered by the Cone of Silence Ordinance – LTC No. 234-2016.  
(Procurement)
3. Report From Commission Committees Of Withdrawn Items Not Heard Within (6) Six Months  
From Their Referral Date.  
(Office of the City Clerk)
4. Miami Beach Convention Center Construction Project Update - LTC No. 232-2016.  
(Office of the City Manager)

**End of Regular Agenda**

Meeting adjourned at 6:20:39 p.m.